

BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

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IN THE MATTER OF THE:

REGULAR MONTHLY)

BUSINESS MEETING)

DATE AND TIME: WEDNESDAY, OCTOBER 21, 1998

9:30 O'CLOCK A.M.

PLACE: BOARD HEARING ROOM

8800 CAL CENTER DRIVE

SACRAMENTO, CALIFORNIA 95826

REPORTER: JAMIE OEHLRICHS CSR NO 8086

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APPEARANCES

MR. DANIEL G. PENNINGTON, CHAIRMAN

MR. ROBERT C. FRAZEE, VICE CHAIRMAN

MR. DAN EATON, MEMBER

MR. STEVEN R. JONES, MEMBER

MR. STEPHEN M. RHOADS, MEMBER

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1 CHAIRMAN PENNINGTON: GOOD MORNING
2 AND WELCOME TO THE OCTOBER 21ST MEETING OF THE
3 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD.
4 WILL THE SECRETARY CALL THE ROLL
5 PLEASE?

6 THE SECRETARY: BOARD MEMBER EATON?

7 MEMBER EATON: HERE.

8 THE SECRETARY: FRAZEE?

9 MEMBER FRAZEE: HERE.

10 THE SECRETARY: JONES?

11 MEMBER JONES: HERE.

12 THE SECRETARY: RHOADS?

13 MEMBER RHOADS: HERE.

14 THE SECRETARY: CHAIRMAN PENNINGTON?

15 CHAIRMAN PENNINGTON: HERE.

16 WE HAVE A QUORUM. AS THE PUBLIC WILL
17 NOTICE, BOARD MEMBER MR. CHESBOROUGH IS ABSENT
18 TODAY. HE IS CURRENTLY ON LEAVE OF ABSENCE,
19 THEREFORE HIS NAME WILL NOT BE INCLUDED IN ANY OF
20 THE ROLL CALL VOTES.

21 WELL START WITH MR. EATON. DO YOU
22 HAVE ANY EX PARTES, MR. EATON?

23 MEMBER EATON: NO, I'M UP TO DATE, THANK
24 YOU.

25 CHAIRMAN PENNINGTON: VERY GOOD. MR.

1 JONES?

2 MEMBER JONES: MR. CHAIRMAN, I'VE GOT
3 FOUR THAT HAVEN'T BEEN ENTERED IN THE COMPUTER.
4 ONE WAS FROM JOE DEVITO, WHO IS THE MAYOR OF THE
5 CITY OF OJAI, ON PULLING THAT ITEM, AND THEN I
6 THINK WE GOT A LETTER A COUPLE DAYS BEFORE ON THE
7 BIENNIAL REVIEW FOR THE CITY OF OJAI.
8 JODI HALL ESSER FROM CULVER CITY
9 TALKING ABOUT L.A. COUNTY'S UNALLOCATED WASTE.
10 JIM VENRABLE, A SUPERVISOR FROM THE
11 COUNTY OF RIVERSIDE TALKING ABOUT A PROPOSED
12 PROJECT IN ANZA.
13 AND MIKE MAHAGER, WHO HAD SENT AT MY
14 REQUEST A LETTER TO ME THAT I THINK I GAVE A COPY
15 TO ALL THE BOARD OFFICES ON WHAT THEY'RE DOING
16 ABOUT ILLEGAL CLEANUPS IN THE ANTELOPE VALLEY AND
17 IN L.A. COUNTY.
18 AND THAT'S IT.

19 CHAIRMAN PENNINGTON: VERY GOOD. THANK
20 YOU.

21 MR. RHOADS?

22 MEMBER RHOADS: I'M UP TO DATE.

23 MEMBER FRAZEE: MINE ARE UP TO DATE.

24 CHAIRMAN PENNINGTON: OKAY. THANK YOU,
25 MR. FRAZEE.

1 AND I BELIEVE MINE ARE UP TO DATE. I
2 DID ALSO GET THE COPY OF THE LETTER FROM JOE
3 DEVITO, MAYOR OF THE CITY OF OJAI.
4 FOR ANYBODY IN THE AUDIENCE WHO
5 WISHES TO ADDRESS ANY ITEM ON THE AGENDA THIS
6 MORNING, THERE ARE SPEAKER SLIPS AT THE TABLE IN
7 THE BACK. AND IF YOU'LL FILL ONE OUT AND GIVE IT
8 TO MS. KELLY, WHO'S HANDING ME ONE RIGHT NOW,
9 WE'LL MAKE SURE THAT YOU GET TO ADDRESS THE BOARD
10 ON THAT PARTICULAR IS SUE.

11 ANNOUNCEMENTS. AGENDA ITEMS 1, 3,
12 AND 15 ARE PULLED FROM TODAY'S AGENDA. AGENDA
13 ITEM 7 IS CONTINUED TO THE NOVEMBER 18TH, 1998,
14 BOARD MEETING. AND AGENDA ITEM 11-B IS CONTINUED
15 TO THE DECEMBER 15TH, 1998, BOARD MEETING.

16 I ASK IF ANY BOARD MEMBER HAS ANY
17 REPORTS THAT THEY'D LIKE TO BRING TO THE BOARD?

18 MEMBER EATON: NO, NONE FOR ME.

19 MEMBER RHOADS: YES, ACTUALLY I DO.

20 CHAIRMAN PENNINGTON: MR. RHOADS, PLEASE.

21 MEMBER RHOADS: AS I THINK MOST OF YOU

22 KNOW, I HAD THE HONOR LAST WEEK OF GOING TO
23 EXETER AND HAVING A PRESS EVENT ANNOUNCING THE
24 FACT THAT WE WILL BE CLEANING UP THE TIRES AT THE
25 EXETER TIRE PILE, APPROXIMATELY 2.2 MILLION

1 TIRES.

2 THE WHOLE TIRES WILL BE SHREDDED, AND

3 I THINK A HUNDRED PERCENT OF THE WHOLE TIRES WILL

4 BE USED AS ALTERNATIVE DAILY COVER ON LANDFILLS.

5 THE TIRES THAT ARE THERE THAT ARE ALREADY

6 SHREDDED WILL BE TAKEN TO LANDFILLS. WE HAVE

7 ALLOCATED UP TO \$2 MILLION FOR THIS PURPOSE, AND

8 IT WAS A VERY GOOD EVENT.

9 I'D LIKE TO THANK ERIC LAMBROUGH, WHO

10 PUT IT TOGETHER. AND I WAS ALSO VERY PLEASED, I

11 THINK IT'S CAROL RAYBURN WILL BE THERE EVERY DAY

12 OVERSEEING IT AND MAKING SURE THAT THE SCALES ARE

13 RIGHT AND THE CONTRACTORS AND THE HEALTH AND

14 SAFETY MATTERS ARE TAKEN CARE OF. AND I WAS VERY

15 PLEASED ABOUT THAT.

16 I WILL MAKE A COPY OF THE SPEECH I

17 GAVE AND GIVE IT TO ALL THE BOARD MEMBERS SO THAT

18 THEY CAN SEE IT.

19 THE ONLY THING THAT MAYBE WAS A

20 LITTLE -- I'D LIKE TO WORK ON A LITTLE BIT MORE

21 IS MAYBE THE CONTACTS WITH THE LOCAL LEGISLATORS.

22 AND SO I DID TRY TO CONTACT THEM, BUT I THINK WE

23 NEED TO DO THAT A LITTLE BIT EARLIER. BUT IT WAS

24 A VERY, VERY GOOD EVENT.

25 CHAIRMAN PENNINGTON: VERY GOOD. THANK

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1 YOU, MR. RHOADS, AND WE THANK YOU FOR
2 REPRESENTING THE BOARD AT THAT EVENT. AND YOU
3 ARE CORRECT THAT THE LEGISLATORS' OFFICES DIDN'T
4 GET CONTACTED UNTIL THE DAY BEFORE, I BELIEVE,
5 AND THEY SHOULD HAVE BEEN. AND WE'VE TALKED TO
6 STAFF ABOUT THAT AND I THINK WE HAVE THAT UNDER
7 CONTROL.

8 MR. JONES.

9 MEMBER JONES: MR. CHAIRMAN, JUST A BRIEF
10 RECAP OF THE MEETING WE HAD YESTERDAY ON AMERICA
11 RECYCLES DAY EVENTS THAT ARE GOING ON. FOR THOSE
12 IN THE AUDIENCE THAT DON'T KNOW, THE BOARD TOOK
13 AN ACTION IN SANTA BARBARA WHERE WE ARE -- THOSE
14 CITIES OR. COUNTIES THAT HAVE GONE THROUGH THE
15 BIENNIAL REVIEW AND HAVE BEEN APPROVED FOR
16 HITTING THE FIRST STAGE OF THE MANDATE, THE 25
17 PERCENT, WILL BE ACKNOWLEDGED AT AMERICA RECYCLES
18 DAY EVENTS BY -- WITH A COMMENDATION THAT'S BEING
19 WORKED ON BY THE PUBLIC AFFAIRS OFFICE. AND
20 BOARD MEMBERS, ADVISORS, ANALYSTS AND STAFF ARE
21 GOING TO BE AVAILABLE TO GO TO CITIES AND
22 COUNTIES TO ACKNOWLEDGE THE EFFORTS.
23 WE HAD OUR FIRST MEETING YESTERDAY,
24 WE'VE ALREADY GOTTEN IN ABOUT EIGHT OR TEN
25 REQUESTS FROM CITIES. WE'RE GOING TO PUT A

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1 DEADLINE ON NOVEMBER 4TH THAT WE BE MADE AWARE OF
2 THOSE EVENTS. AND THEN BOARD MEMBERS WILL GET A
3 CHOICE, AND THEN THE REST WE'RE GOING TO SPIN THE
4 BOTTLE AND SEE WHO'S GOING WHERE.

5 BUT I WAS ENCOURAGED THAT THIS WAS A
6 REAL MESSAGE THAT WE CAN GIVE TO CITIES AND
7 COUNTIES LETTING THEM KNOW JUST HOW MUCH THEIR
8 EFFORTS ARE APPRECIATED IN CHANGING THE WAY WE DO
9 BUSINESS IN THE STATE OF CALIFORNIA, SO.

10 CHAIRMAN PENNINGTON: VERY GOOD. THANK
11 YOU, MR. JONES.
12 YES, MR. FRAZEE?

13 MEMBER FRAZEE: MR. CHAIRMAN, I GUESS
14 THAT MY MEMORY IS RATHER SHORT, BUT I SHOULD
15 REPORT ON THE FACT THAT I ATTENDED AND
16 REPRESENTED THE BOARD YESTERDAY AT THE RUBBERIZED
17 ASPHALT WORKSHOP IN SONOMA. THIS, I THINK AS
18 EVERYONE KNOWS, IS A JOINT EFFORT BETWEEN THE LOS
19 ANGELES TECHNOLOGY CENTER, WHICH IS AN
20 ORGANIZATION THAT'S FUNDED BY THIS BOARD, AND THE
21 RUBBER PAVEMENTS ASSOCIATION. THIS IS THE SECOND
22 OF THREE SCHEDULED WORKSHOPS THAT WILL BE HELD
23 AROUND THE STATE OF CALIFORNIA. IT WAS VERY WELL
24 ATTENDED.
25 I FOUND THE MATERIAL VERY INTERESTING

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1 AND ENLIGHTENING, AND EVERY TIME I'M EXPOSED TO
2 THIS SUBJECT I LEARN MORE AND MORE ABOUT IT. I
3 DON'T KNOW WHAT I'LL DO WITH THAT KNOWLEDGE, BUT
4 AT LEAST IT'S NICE TO KNOW.

5 AND IT'S REALLY ENCOURAGING TO SEE
6 THE INTEREST IN THE SUBJECT AND THE NUMBER OF
7 SUCCESS STORIES THAT ARE REPORTED ON THE USE OF
8 RUBBERIZED ASPHALT.

9 CHAIRMAN PENNINGTON: VERY GOOD. THANK
10 YOU, MR. FRAZEE.

11 I ALSO WANT TO REPORT ON THE TIRE
12 CONFERENCE THAT WE HELD IN SANTA CLARA. I THINK
13 IT WAS AN EXCELLENT CONFERENCE. I THINK THE
14 ATTENDEES GOT QUITE A BIT OUT OF IT. AND I WANT
15 TO CONGRATULATE THE STAFF ON PUTTING TOGETHER
16 SUCH AN EXCELLENT PROGRAM THAT BROUGHT A LOT OF
17 INFORMATION FORWARD, AND A LOT OF EXCHANGE OF
18 INFORMATION.

19 AT THAT MEETING WE OUTLINED THE TIRE
20 WORKING GROUP, WHICH IS PART OF THE TIRE FEE
21 EXTENSION BILL. AND THAT GROUP MET FOR THE FIRST
22 TIME EARLIER THIS WEEK, OR LAST WEEK I MEAN, AND
23 IT WAS A VERY SUCCESSFUL MEETING, AND IT GOT US
24 UNDERWAY TO EVENTUALLY END UP WITH A REPORT TO
25 THE LEGISLATURE AND THE POSSIBILITY OF SOME

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1 CHANGES IN THE TIRE PROGRAM.

2 AND PATTY SCHWARTZ AND FITZ

3 FITZGERALD ARE HEADING THAT UP FOR THE STAFF,

4 ALONG WITH MR. FRAZEE AND I AS BOARD MEMBERS, TO

5 ADD A LITTLE LEADERSHIP. AND SO I WANT TO SAY

6 THAT THE FIRST MEETING WAS GOOD AND WE'RE MOVING

7 ON, AND WE'LL HAVE MUCH MORE TO SAY ABOUT IT.

8 OKAY. THE EXECUTIVE DIRECTOR'S

9 REPORT. MR. SMITH IS FILLING IN FOR MR.

10 CHANDLER. MR. SMITH.

11 MR. SMITH: MR. CHAIRMAN, THERE ARE

12 SEVERAL WORKSHOPS I'D LIKE TO REPORT ON THIS

13 WEEK.

14 FIRST, I WOULD LIKE TO REMIND THOSE

15 IN THE AUDIENCE THAT TOMORROW MORNING THE BOARD

16 IS HOLDING AN INFORMATIONAL WORKSHOP TO TAKE

17 PUBLIC COMMENTS ON DRAFT PROCEDURES FOR

18 JURISDICTIONS REQUESTING TIME EXTENSIONS AND

19 ALTERNATIVE DIVERSION REQUIREMENTS. THE WORKSHOP

20 WILL BEGIN AT 9:30 TOMORROW. IF NECESSARY, TO

21 TAKE CARE OF ANY CARRYOVER ITEMS FROM TODAY'S

22 MEETING, THE BOARD MAY RECONVENE PRIOR TO THE

23 WORKSHOP AT 9:00 A.M., IN THIS ROOM.

24 I TOO AM GOING TO MENTION A COUPLE OF

25 THE CONFERENCES THAT THE CHAIRMAN HAS REFERRED

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1 TO. THE THIRD BIENNIAL TIRE CONFERENCE IN SANTA
2 CLARA WAS ATTENDED BY 170 PEOPLE. TOPICS
3 INCLUDED SUCH THINGS AS CLOSED-LOOK RECYCLING OF
4 USED TIRES INTO NEW TIRES, WITH SPEAKERS FROM
5 MICHELIN. OTHER DISCUSSIONS INVOLVED RUBBERIZED
6 ASPHALT, CIVIL ENGINEERING APPLICATIONS, GRANTS
7 AND LOANS, AND A HOST OF OTHER TIRE-RELATED
8 ISSUES. I'D LIKE AGAIN TO COMMEND KAREN
9 TRIGOVICH, DEPUTY DIRECTOR FOR THE WASTE
10 PREVENTION AND MARKET DEVELOPMENT DIVISION, AND
11 HER STAFF FOR ORGANIZING THIS SUCCESSFUL
12 CONFERENCE.

13 LAST WEDNESDAY THE AB-117 EXTERNAL
14 WORKING GROUP, THIS IS THE TIRE WORKING GROUP,
15 HELD ITS FIRST MEETING. TWELVE STAKEHOLDERS
16 REPRESENTING ALL ASPECTS OF THE WASTE TIRE
17 INDUSTRY HELPED IDENTIFY ISSUES THAT NEED TO BE
18 ADDRESSED IN THE FINAL REPORT, WHICH IS DUE TO
19 THE LEGISLATURE ON MAY THE 30TH.

20 FOUR SUBGROUPS WERE FORMED TO ADDRESS
21 ISSUES OF SPECIAL INTEREST SUCH AS THE DEFINITION
22 OF "WASTE TIRE," THE EFFECTIVENESS OF THE CURRENT
23 HAUL AND MANIFEST SYSTEM, HUMAN HEALTH ASPECTS
24 ASSOCIATED WITH TIRES, AND ILLEGAL TIRE PILES AND
25 ENFORCEMENT.

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1 CHANNEL 3 COVERED PORTIONS OF THE
2 MEETING AND USED FOOTAGE IN CONJUNCTION WITH A
3 STORY ON THE EFFECTS OF THE RECENT ROYSTER TIRE
4 FIRE. THE COVERAGE APPEARED TO BE POSITIVE IN
5 THAT IT SHOWED THERE WAS GOVERNMENT ACTION
6 RELATIVE TO THE MAJOR ENVIRONMENTAL PROBLEM THAT
7 EXISTED THERE.
8 QUESTIONNAIRES DEVELOPED DURING THE
9 MEETING WILL BE MAILED TO THE AFFECTED PUBLIC
10 REQUESTING WRITTEN COMMENTS ABOUT MANY OF THE
11 ISSUES. THE RESPONSES WILL BE USED TO DEVELOP
12 THE LARGE PUBLIC WORKSHOPS TO BE HELD IN EARLY
13 DECEMBER. I'D LIKE TO COMMEND PATTY SCHWARTZ,
14 OUR LEGISLATIVE AND EXTERNAL AFFAIRS DIRECTOR,
15 AND FITZ FITZGERALD FOR THEIR GOOD WORK IN
16 MODERATING THE WORKSHOP.
17 NEXT MONDAY AND TUESDAY WE WILL BE
18 HOLDING THE FIRST TWO OF THREE PLANNED WORKSHOPS
19 ON THE AB-59 HEARING PANEL AND APPEALS PROCESS.
20 THE WORKSHOPS ARE INTENDED TO IDENTIFY AND
21 DISCUSS POTENTIAL LEGISLATIVE AND REGULATORY
22 CHANGES IN AB-59 LOCAL HEARING PANEL PROCEDURES
23 AND APPEALS TO THE BOARD. THE THIRD WORKSHOP
24 WILL BE ON NOVEMBER THE 17TH, AND ALL THREE WILL
25 BE HELD HERE IN THE BOARD ROOM. WE'RE ASKING

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1 PARTICIPANTS TO ATTEND ALL THREE DAYS, WHICH WILL
2 GIVE THEM SUFFICIENT TIME TO DEVELOP SPECIFIC
3 RECOMMENDED CHANGES IN THE AB-59 PROCEDURES.
4 AND FINALLY, I WANT TO TAKE THE
5 OPPORTUNITY TO ADVISE YOU THAT THE UPCOMING ITEM
6 TO CONSIDER THE OUTCOME OF THE 1996 RPPC
7 CERTIFICATION PROCESS HAS BEEN MOVED FROM THE
8 NOVEMBER 5TH BOARD MEETING TO THE DECEMBER 16TH
9 BOARD MEETING. THE POSTPONEMENT IS DUE IN LARGE
10 PART TO THE EXTENSIONS GRANTED BY THE BOARD, AND
11 THE LARGE NUMBER OF FOLLOW-UP CALLS THAT THE
12 STAFF IS MAKING TO THE COMPANIES THAT NEVER
13 RESPONDED TO THE ORIGINAL CERTIFICATION.
14 THAT CONCLUDES MY REPORT, AND I'D BE
15 HAPPY TO ANSWER ANY QUESTIONS.

16 CHAIRMAN PENNINGTON: ANY QUESTIONS OF

17. MR. SMITH?

18 OKAY. WE'LL MOVE ON. DO MR. JONES
19 OR MR. EATON WANT TO TALK ABOUT THE 21ST CENTURY
20 PROJECT AT ALL, OR ANYTHING? OKAY.

21 THEN MOVING TO CONTINUED
22 BUSINESS ITEM A, WHICH IS CONSIDERATION OF A NEW
23 SITE FOR THE SOLID WASTE DISPOSAL, AND
24 CODISPOSAL SITE CLEANUP PROGRAM, AB-2 136, ITEM
25 CONTINUED FROM THE OCTOBER 6, 1998, MEETING.

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1 JULIE NAUMAN.

2 MS. NAUMAN: GOOD MORNING MR. CHAIRMAN AND
3 MEMBERS. MARGE ROUCH, WHO IS THE MANAGER OF THE
4 2136 CLEANUP PROGRAM WILL MAKE THE PRESENTATION.

5 CHAIRMAN PENNINGTON: THANK YOU.

6 MS. ROUCH: GOOD MORNING CHAIRMAN
7 PENNINGTON AND BOARD MEMBERS. I FELT LIKE HERE
8 WE ARE AGAIN.

9 I THINK THE SITE, AS YOU ARE ALL
10 AWARE OF, HAS HAD A LOT OF QUESTIONS RAISED ABOUT
11 IT. I THINK WE HAVE PROVIDED A LOT OF ANSWERS.
12 BUT I THINK ANY SPECIFIC QUESTIONS SHOULD BE
13 ADDRESSED TO PAUL ALBA AND CHRIS MASTRO FROM
14 THE COUNTY OF LOS ANGELES, WHO ARE HERE IN THE
15 AUDIENCE. AND IF THERE'S ANYTHING I CAN PROVIDE
16 TODAY, OR ANY QUESTIONS I CAN ANSWER, I'D BE
17 HAPPY TO.

18 CHAIRMAN PENNINGTON: OKAY. ANY
19 QUESTIONS FROM BOARD MEMBERS? MR. EATON.

20 MEMBER EATON: AS YOU KNOW, THIS HAS BEEN
21 SORT OF ONE OF MY SORT OF CONCERNS RIDING ON, AND
22 I STILL -- THOUGH WE'VE GOTTEN MORE AND MORE
23 INFORMATION, I'M STILL VERY CONCERNED FROM A
24 GENERAL STANDPOINT THAT WHEN IT COMES TO THESE
25 2136 WASTE SITES, WE DON'T HAVE A SCHEME.

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1 HEALTH AND SAFETY, I BELIEVE THAT WE
2 NEED TO DEVELOP A TIERED SYSTEM OF SOME SORT THAT
3 DISTINGUISHES BETWEEN THOSE THAT ARE A HIGHER
4 RISK TO THE PUBLIC'S HEALTH AND SAFETY AND THOSE
5 THAT ARE NOT. AND I THINK THAT IF YOU GO BACK
6 THROUGH AND LOOK AT ALL OF THE DIFFERENT SITES
7 THAT HAVE BEEN REMEDIATED IN THE PAST, YOU WILL
8 SEE THAT THE CRITERIA, OR AT LEAST THE
9 JUSTIFICATION FOR GRANTING OF MONIES, HAS BEEN
10 SOLIDLY BASED IN A REAL SEVERE AND IMMEDIATE
11 THREAT TO THE PUBLIC SAFETY AND HEALTH.
12 THIS SITE IS NOT. THERE IS JUST NO
13 WAY THAT THE SITE PRESENTS THAT KIND OF HAZARD,
14 AND THERE'S BEEN NO INFORMATION TO BE COMING
15 FORWARD. NOW, MY UNDERSTANDING IS, IS THAT IN
16 THIS SITE THAT ONE OF THE CONCERNS BY THE L.A.
17 COUNTY HAS BEEN -- AND PERHAPS THIS SHOULD BE
18 DIRECTED TO THEM -- IS THAT THEY HAVE DISCOVERED
19 THAT THIS PARTICULAR SITE -- THAT PERHAPS A LOT
20 OF THE DUMPERS ARE NOT LOCAL NEIGHBORS, BUT
21 COMING FROM OUTSIDE THE COUNTY.

22 IS THAT CORRECT?

23 MS. ROUCH: YES, THAT'S WHAT I'VE BEEN
24 TOLD.

25 MEMBER EATON: OKAY. THEN MY QUESTION

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1 THEN IS -- TO YOU IS, THEN HOW WOULD THE LEA,
2 NEGOTIATING A REDUCTION OF TIPPING FEES AT A
3 LOCAL LANDFILL NEAR THIS SITE PREVENT THAT?

4 CHAIRMAN PENNINGTON: MAYBE THE TWO FOLKS
5 FROM L.A. COUNTY CAN COME UP TO THE FRONT AND
6 IDENTIFY THEMSELVES?

7 MR. ALBA: GOOD MORNING BOARD MEMBERS. MY
8 NAME IS PAUL ALBA FROM L.A. COUNTY PUBLIC WORKS.
9 THIS IS CHRIS MASTRO FROM DEPARTMENT OF
10 HEALTH SERVICES.

11 MR. MASTRO: GOOD MORNING.

12 CHAIRMAN PENNINGTON: GOOD MORNING.

13 MR. ALBA: NOW, IN REGARD TO YOUR SPECIFIC
14 QUESTION --

15 MEMBER EATON: I MEAN, YOU WROTE A
16 DOCUMENT HERE THAT SAYS IT'S FROM OUTSIDE THE
17 COUNTY, THAT THE DUMPING IS. SO THEY GO ALL THE
18 WAY FROM ORANGE COUNTY TO THE FAR NORTHERN
19 EXTREMES OF L.A. COUNTY, AND YET YOU --

20 MR. ALBA: THAT IS CORRECT.

21 MEMBER EATON: -- PART OF THE PROPOSAL
22 FROM L.A. COUNTY IS TO HAVE THE LEA REDUCE THE
23 TIPPING FEES AT A LOCAL LANDFILL NEAR THIS SITE.
24 50 GIVE ME THE CORRELATION OR THE CONNECTION AS
25 TO HOW THAT'S GOING TO PREVENT ILLEGAL DUMPING

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1 FROM PEOPLE OUTSIDE THE AREA.

2 MR. ALBA: THERE IS NO DIRECT CORRELATION.

3 HOWEVER, AS YOU HAVE BEFORE YOU, WE HAVE AT LEAST 25

4 DIFFERENT ACTIVITIES THAT WE'RE TRYING TO PREVENT

5 ILLEGAL DUMPING, FROM PUBLIC EDUCATION, TO CLEANUP

6 EFFORTS, TO ENFORCEMENT EFFORTS.

7 SO TO ANSWER YOUR QUESTION,

8 THERE IS NO DIRECT CORRELATION BETWEEN REDUCING THE

9 TIPPING FEE FOR THE CLEANUP OF THIS PROJECT AND

10 THE REDUCTION OF ILLEGAL DUMPING IN THAT SPECIFIC

11 AREA, OR OTHER NUMEROUS AREAS IN ANTELOPE

12 VALLEY.

13 MS. ROUCH: I WOULD LIKE TO MAKE A

14 COMMENT TO THAT. WE ASKED FOR THE REDUCTION --

15 WE, OUR STAFF, ASKED FOR THE REDUCTION IN TIPPING

16 FEES AS A CONTRIBUTION FROM THE LEA'S OFFICE

17 TOWARD THIS PROJECT SO WE WOULDN'T HAVE TO PAY

18 THE FULL TIPPING FEES SHOULD WE DO THIS PROJECT.

19 MR. ALBA: AND IF I COULD ADD, WE DO HAVE A

20 COMMITMENT FROM THE LOCAL LANDFILL THAT 20

21 PERCENT OF THE REGULAR TIPPING FEE WILL BE REDUCED

22 TO OFFSET THE CLEANUP COST.

23 THEY WILL, FOR FREE OF CHARGE,

24 ACCEPT ANY RECYCLABLE MATERIALS THAT IS SOURCE

25 SEPARATED TO ASSIST IN THE CLEANUP EFFORTS.

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1 MEMBER EATON: THIS IS ON PRIVATE
2 PROPERTY, CORRECT?

3 MR. ALBA: YES, THAT'S CORRECT.

4 MEMBER EATON: OKAY. ONE OF THE THINGS
5 THAT I NOTICED IN YOUR REMEDIATION OR YOUR
6 PROPOSALS IS THAT THERE ARE PUBLIC ROADS THAT
7 LEAD TO THIS, IS THERE NOT?

8 MR. ALBA: YES, THAT IS TRUE.

9 MEMBER EATON: WHY AREN'T YOU ERECTING
10 ANY BARRIERS, OR WHY AREN'T YOU ERECTING ANY KIND
11 OF -- TAKING ANY MEASURES TO PROHIBIT ACCESS TO
12 THESE AREAS?

13 MR. ALBA: THESE ROADS ARE ON PRIVATE
14 PROPERTY. WE HAVE PLACED FOUR NO DUMPING SIGNS
15 AT THE ENTRANCES TO THIS SITE. WE WILL PLACE AN
16 ADDITIONAL DOZEN MORE SIGNS AT THE SITE. WE ARE
17 INCREASING OUR ROAD MAINTENANCE ACTIVITIES IN THE
18 AREA. WE ARE INCREASING LAW ENFORCEMENT PATROLS
19 OF THE AREA, INCLUDING HELICOPTER PATROLS AT THE
20 AREA.

21 SO TO DIRECTLY ANSWER YOUR QUESTION,
22 COULD THERE BE A BARRIER ON THE ROADS? WE HAVE
23 NOT SEEKED THAT OPTION, SIMPLY BECAUSE IT'S ON
24 PRIVATE PROPERTY. THEY ARE PRIVATE ACCESS ROADS.

25 MEMBER EATON: BUT HOW DO YOU GET TO THE

1 PRIVATE PROPERTY? YOU HAVE TO USE A PUBLIC ROAD, AND AT
2 THE END OF A PUBLIC ROAD, THE PRIVATE PROPERTY
3 STARTS?

4 MR. ALBA: NO, IT'S JUST AN OFFSHOOT
5 FROM THE PUBLIC ROAD. IT JUST -- PEOPLE GET
6 THERE ANY WAY THEY CAN. SO THERE'S NOT TRULY A
7 ROAD ENTERING THE SITE, THEY'RE JUST A PATHWAY.
8 YOU'VE GOT TO UNDERSTAND THE ANTELOPE VALLEY'S SO
9 WIDE IT IS--

10 MEMBER EATON: I'M FAMILIAR WITH THE
11 ANTELOPE VALLEY, TRUST ME. I AM. AND I KNOW --
12 BUT I'M WONDERING WHY THE MEASURES THAT YOU'RE --
13 THIS IS A HABITUAL SITE. CORRECT?

14 MR. ALBA: YES, THAT IS CORRECT.

15 MEMBER EATON: OKAY.

16 MR. ALBA: THAT HAS BEEN CONTINUED FOR
17 DECADES.

18 MEMBER EATON: AND DO YOU KNOW OF ANY
19 REASON WHY YOU CAN'T ERECT A -- YOU KNOW, IF
20 THEY'VE IGNORED SIGNS IN THE PAST, AND THEY'RE
21 LOOTING, THERE'S GOT TO BE SOME WAY THAT YOU
22 CAN MORE COOPERATIVELY --

23 MR. ALBA: IN THE PAST THERE HAS NOT
24 BEEN SIGNS AT THE ENTRANCES TO THE LOCATION, THEY
25 HAVE JUST BEEN ERECTED AS OF FOUR MONTHS AGO TO

1 AID IN THE CLEANUP EFFORTS OF THIS SITE, AND TO

2 PREVENT ANY FUTURE DUMPING AT THE SITE.

3 MEMBER EATON: MR. CHAIR, ONE OF THE

4 THINGS THAT I THINK REALLY GOING IN, AND WE'LL

5 DEAL WITH THE TIERED SYSTEM, I DON'T HAVE A

6 PROBLEM IN HELPING L.A. COUNTY OUT IN THESE KINDS

7 OF MEASURES, ALTHOUGH I DON'T BELIEVE IT'S

8 JUSTIFIED UNDER HEALTH AND SAFETY. BUT I DO BELIEVE

9 THAT PERHAPS MAYBE WHAT WE SHOULD START

10 TODAY IS RATHER THAN GRANTING THE MONEY TO L.A.

11 COUNTY OR TO ANY COUNTY IN THESE SITUATIONS WHERE

12 THEY DON'T MEET THE REAL CRITERIA OF A SEVERE OR

13 SERIOUS HEALTH AND SAFETY, OR AN IMMEDIATE

14 THREAT, THAT WE LOOK TO OUR OTHER OPTIONS UNDER

15 THE 2136 PROGRAM AND EITHER LOAN MONEY TO THOSE

16 JURISDICTIONS THAT WANT TO CLEAN UP THESE TYPES

17 OF SITES THAT MAY BE IN THE SECOND OR THIRD TIER,

18 OR WE DO A MATCH PROGRAM. AND I THINK THAT'S HOW

19 WE OUGHT TO DEAL WITH THESE KIND OF SECONDARY

20 SITES.

21 AND THEN IF THAT BE THE CASE, I WOULD

22 LIKE TO MOVE THAT WE APPROVE THIS PARTICULAR

23 SITE, BUT WE DO IT UNDER A LOAN PROGRAM AS

24 OPPOSED TO A DIRECT GRANT.

25 MS. ROUCH: I HAVE A QUESTION, THEN.

1 AS THE LAW STATES, I GUESS LOANS CAN BE USED FOR
2 ALMOST ANYTHING, BUT I DON'T THINK A MATCHING
3 GRANT COULD BE USED FOR THE CLEANUP OF A LEGAL
4 DISPOSAL SITE THE WAY THE LAW IS WRITTEN.

5 MEMBER EATON: MY MOTION WAS FOR A LOAN.

6 CHAIRMAN PENNINGTON: OKAY.

7 MS. NAUMAN: IS THERE MONEY IN THE
8 LOAN FUND, OR DID WE TAKE THE MONEY OUT OF THERE
9 BECAUSE WE WERE NOT GETTING ANY REQUESTS FOR
10 LOANS?

11 MS ROUCH: WE DO HAVE MONEY SET
12 ASIDE FOR GRANTS AND LOANS.

13 MR. ALBA: IF I COULD JUST FURTHER
14 EMPHASIZE, AS YOU HAVE BEFORE YOU, WE ARE TAKING
15 ENFORCEMENT MEASURES AT THIS PARTICULAR SITE, AS
16 WELL AS THE HUNDREDS OF SITES THAT ARE LITTERING
17 THE ANTELOPE VALLEY, LITTERING THE LANDSCAPE. WE
18 ARE DOING OUR UTMOST BEST EFFORTS OUT THERE. AS
19 YOU HAVE BEFORE YOU, THERE'S 25 DIFFERENT
20 ACTIVITIES THAT WE HAVE DONE, CURRENTLY DOING,
21 WILL DO.

22 SO WE'VE DONE OUR PART, WE'VE REALLY
23 TRIED TO WORK WITH THE COMMUNITY, WORK WITH THE
24 BUSINESS SECTOR, AND WORK WITH OUR COUNTY BOARD
25 OF SUPERVISORS TO IMPLEMENT STRINGENT PROGRAMS

1 OUT THERE. AND I THINK WE'VE BEEN SUCCESSFUL
2 FROM A FEW YEARS AGO TO WHERE WE'RE AT NOW.
3 AND BECAUSE OF THAT, WE HAVE AN
4 ILLEGAL DUMPING TASK FORCE SPECIFICALLY TO
5 ADDRESS THE MEASURES IN THE ANTELOPE VALLEY. WE
6 ARE WORKING THROUGH THE TASK FORCE. AND IF ANY
7 FUTURE PROBLEMS ARISE, WE WILL TAKE IT THROUGH THE
8 TASK FORCE AND, IF NECESSARY, TO THE COUNTY BOARD
9 OF SUPERVISORS.

10 CHAIRMAN PENNINGTON: OKAY. WELL, WE
11 HAVE A -- YES, MR. FRAZEE?

12 MEMBER FRAZEE: THIS IS A BOARD-MANAGED
13 CLEANUP PROPOSAL WITH ONE OF THE SPECIFIED
14 CONTRACTORS?

15 MS. ROUCH: YES. YES --

16 MEMBER FRAZEE: SO I'M HAVING SOME
17 DIFFICULTY SEEING HOW THAT WOULD WORK VERSUS A
18 LOAN. IT SEEMS THAT A LOAN WOULD BE TO LOS
19 ANGELES COUNTY, AND THEN THAT THEY WOULD IN TURN
20 DO THE CLEANUP THEMSELVES. AND SO I HAVE SOME
21 DIFFICULTY --

22 MR. ALBA: WITH THE STRUCTURE?

23 MEMBER FRAZEE: -- COMPREHENDING HOW THAT
24 WOULD WORK.

25 MR. ALBA: WELL, IT DOESN'T NECESSARILY HAVE

1 TO BE A BOARD CLEANUP. THAT'S THE VERY POINT.

2 WE'RE GOING IN TO A LOCAL

3 JURISDICTION, WHICH IS TRYING TO DO REMEDIATION.

4 PERHAPS MAYBE THEY OUGHT TO GET A LOAN AND SEE,

5 AS THEY ARE BEST UNDER LOCAL CONTROL AND THEIR

6 OWN IDEAS, OF HOW BEST TO SOLVE THIS PROBLEM

7 UNDER A LOAN PROGRAM, IN TERMS OF CLEANUP AND

8 REMEDIATION.

9 I'M HAPPY TO CHANGE IT FROM A BOARD POINT.

10 THAT'S MY VERY POINT. WE SHOULD NOT BE UTILIZING

11 BOARD RESOURCES FOR A SECONDARY OR EVEN A THIRD

12 TIER TYPE OF CLEANUP.

13 MEMBER FRAZEE: I WOULD JUST HAVE TO

14 QUESTION THAT POINT THAT THIS DOES NOT MEET THE

15 TEST OF A HEALTH AND SAFETY SITUATION. I THINK

16 ANY TIME YOU HAVE EXTENSIVE DUMPING SUCH AS IS

17 REPORTED IN THIS ITEM, I THINK THAT THAT DOES

18 MEET THE TEST OF A THREAT TO HEALTH AND SAFETY.

19 AND THIS ONE JUST SEEMS APPROPRIATE

20 TO US, PARTICULARLY CONSIDERING THE FACT THAT WE

21 HAVE NOT EXPENDED ANY BOARD FUNDS IN THE COUNTY

22 OF LOS ANGELES TO DATE, AND THE COUNTY OF LOS

23 ANGELES, POPULATION-WISE, REPRESENTS A MAJOR

24 PORTION OF THE STATE, AND THEY'RE A MAJOR

25 GENERATOR OF FUNDS TO THIS PROGRAM. SO I THINK

1 OUT OF FAIRNESS THAT THIS ONE OUGHT TO GO
2 FORWARD.

3 WITH THAT, I WOULD MOVE THE ADOPTION
4 OF RESOLUTION 98-33 5.

5 CHAIRMAN PENNINGTON: LET ME TAKE CARE OF
6 MR. EATON'S MOTION FIRST.

7 MR. EATON, YOU HAVE A MOTION ON THE
8 FLOOR, AND I'LL NEED A SECOND. HEARING NO
9 SECOND, YOUR MOTION DIES.

10 MR. FRAZEE MOVES -- IS THERE A SECOND
11 FOR MR. FRAZEE'S MOTION TO ADOPT RESOLUTION 98-
12 335?

13 MEMBER JONES: MR. CHAIRMAN, I'LL SECOND
14 98-33 5. BUT I'D LIKE TO MAKE A COMMENT IF I
15 COULD?

16 CHAIRMAN PENNINGTON: CERTAINLY.

17 MEMBER JONES: I THINK MR. EATON BRINGS UP
18 A COUPLE OF GOOD POINTS ABOUT OUR -- THE TIERING
19 OF THESE THINGS. I MEAN, WHEN THE ITEM FIRST
20 CAME TO US, WE HAD A PROBLEM WITH -- WE GET SOME
21 OF THESE CLEANUPS THAT COME TO US WHERE
22 THERE'S A WATERWAY RIGHT NEXT TO IT. AND IF WE
23 DON'T ACT, THEN WE'RE GOING TO POLLUTE THE
24 WATERWAY. AND WE HAVE TO HAVE SOME KIND OF A
25 TIERED PROGRAM WHERE WE CAN IDENTIFY, WHERE WE

1 CAN PUT THESE IN THE SLOTS SO WE
2 HAVE -- AND I DON'T MEAN THAT TO BE A STATEWIDE
3 INSPECTION OF EVERY ILLEGAL DUMP IN THE STATE.
4 WHAT I'M TALKING ABOUT IS DEVELOP THE
5 CRITERIA, SO THAT WHEN THESE REPORTS COME IN, THEY
6 FIT INTO A CRITERIA. AND THAT COULD BE, IS THERE
7 AN IMMINENT RISK TO WATER, IS THERE A HEALTH --
8 YOU KNOW, WHAT IS THE EXTENT OF HEALTH AND
9 SAFETY, ARE THERE KIDS AROUND, IS THERE MEDICAL
10 WASTE MIXED INTO THIS, IS THERE -- THERE'S A
11 WHOLE LIST OF THINGS.
12 I THINK ONE OF THE THINGS, WHEN I
13 LOOKED AT THE PICTURES -- AND I TALKED TO MIKE
14 MAHAGER, BECAUSE MY QUESTION WAS DO THE PEOPLE IN
15 THE AREA HAVE GARBAGE SERVICE. BECAUSE IF THEY
16 DON'T, THEN I DON'T WANT TO CLEAN UP A LOCAL DUMP
17 THAT'S USED BY ALL THE RESIDENTS IN THE
18 NEIGHBORHOOD AND NOTHING EVER HAPPENS.
19 I WAS PLEASED TO SEE—I GUESS YOU
20 SENT US FIVE PAGES OF THE DIFFERENT EFFORTS THAT
21 ARE GOING ON. AND WHILE IT'S NOT PART OF THE
22 MOTION, I THINK THAT IT WOULD BE CRITICAL -- THE
23 OVERSIGHT THAT YOU ARE TAKING INTO CONSIDERATION
24 ONCE IT'S -- OR, NOW, AND I'M SURE IT GETS
25 STEPPED UP AFTER WE CLEAN THIS UP -- WHAT'S THE

1 MECHANISM IF ILLEGAL WASTE ATTRACTS ILLEGAL
2 WASTE? SO WHEN THIS FACILITY GETS CLEAN, WHAT
3 WOULD PUBLIC WORKS DO TO ENSURE THAT IT STAYS
4 CLEAN? IF SOMEBODY COMES IN AND DUMPS A LOAD OF
5 STUFF, IS IT GOING TO SIT THERE AND GROW, OR IS IT
6 GOING TO GET CLEANED UP IN A REASONABLE PERIOD OF
7 TIME SO IT DOESN'T ATTRACT MORE WASTE? BECAUSE
8 THAT'S THE WAY THIS STUFF WORKS.

9 MR. ALBA: EVEN BEFORE IT GETS TO THAT
10 LEVEL, WE HAVE COMMITTED, THE SHERIFF'S DEPARTMENT
11 HAS COMMITTED TO INCREASING THEIR PATROLLING
12 ACTIVITIES AT THAT SPECIFIC SITE, INCLUDING
13 GROUND PATROL DEPUTIES, AIR PATROL DEPUTIES WILL
14 BE PATROLLING THAT SITE.
15 OUR INSPECTORS FROM THE DEPARTMENT OF
16 HEALTH SERVICES WILL BE AT THAT SITE ON A WEEKLY
17 BASIS REPORTING ON THE CONDITIONS OF THAT SITE.
18 AND STEPPED UP -- WILL STEP UP THEIR INSPECTIONS.
19 IF THEY DO SUSPECT THAT ILLEGAL DUMPING HAS
20 OCCURRED ONE TIME, THEY WILL INCREASE IT, MAYBE
21 TWICE A WEEK.
22 PUBLIC WORKS HAS COMMITTED THEMSELVES
23 TO CONTINUOUSLY -- AS WE CURRENTLY DO, THE ROAD
24 RIGHT-OF-WAYS LEADING UP TO THE SITE SO TRASH
25 DOESN'T ATTRACT TRASH.

1 SO, WE'RE TRYING TO PREVENT IT EVEN
2 FROM HAPPENING AT THE VERY BEGINNING. SO WE HAVE
3 INSPECTION PROGRAM, WE HAVE A SURVEILLANCE
4 PROGRAM, AND WE HAVE A CLEANUP PROGRAM TRYING TO
5 ADDRESS THAT--

6 MEMBER EATON: IF WE CLEAN UP YOUR SITE,
7 WHAT LEGAL ACTION IS GOING TO CONTINUE, IF ANY?
8 I'M ASKING EITHER MARGE OR L.A. COUNTY.

9 MR. ALBA: PRESENTLY THERE'S TWO
10 PROPERTY OWNERS THAT HAS JURISDICTION OVER THIS
11 SITE. WE HAVE APPROACHED THEM. ONE OF THEM IS
12 AN 80 YEAR OLD WOMAN ON SOCIAL SECURITY. THE
13 VALUE OF CLEANING UP THE SITE FAR OUTWEIGHS THE
14 PROPERTY VALUE BY A FACTOR OF ABOUT 10 TIMES, SO
15 THERE'S NO WAY WE COULD GET ANY MONEY FROM HER.
16 WE HAVE TRIED THE LEGAL RECOURSE WITH THE OTHER
17 PROPERTY OWNER, IT'S NOT FEASIBLE AT THIS TIME.
18 50 THEY'VE JUST BASICALLY WALKED AWAY FROM IT,
19 SIMPLY BECAUSE THE CLEANUP COST FAR OUTWEIGHS THE
20 PROPERTY VALUE.
21 AND, SO WE HAVE WORKED WITH THE
22 DISTRICT ATTORNEY, WITH THE WASTE BOARD, IN
23 TRYING TO RECOVER COSTS FROM THESE PROPERTY
24 OWNERS. SO ALL THAT HAS ALREADY BEEN TAKING PLACE
25 PRIOR TO-

1 MEMBER EATON: MAYBE I WASN'T CLEAR. WHAT
2 KIND OF FUTURE FOLLOW UP WITH REGARD TO LEGAL
3 OPTIONS -- LEGAL, NOT CRIMINAL, LEGAL RECOVERY.

4 MR. ALBA: IF INDEED WE DO BECOME
5 AWARE THAT THESE PROPERTY OWNERS DO COME UP WITH
6 SOME KIND OF MONEY -- FOR EXAMPLE, THE 80 YEAR
7 OLD WOMAN, DO COME UP WITH -- WINNING THE LOTTERY
8 FOR EXAMPLE, I DON'T WANT TO MAKE A JOKE ABOUT IT
9 --

10 MEMBER EATON: I'M NOT INTERESTED IN
11 TAKING HER PROPERTY AWAY. I'M JUST SAYING THAT
12 THE WAY -- THAT MY UNDERSTANDING IS THE WAY THIS
13 WORKS IS THAT IN THESE SITUATIONS THERE IS A
14 RESPONSIBLE PROPERTY OWNER THAT IS RESPONSIBLE.
15 IS IT NOT?
16 AND THE QUESTION IS, IS I'M NOT
17 TRYING TO TAKE HER MONEY, I'M NOT TRYING TO TAKE
18 HER SOCIAL SECURITY, AND I RESENT THE FACT THAT
19 YOU WOULD EVEN IMPLY THAT THAT'S WHAT I WAS
20 TRYING TO DO.

21 I THINK THE SITUATION IS, IS THAT WE
22 HAVE AN OBLIGATION AS PROTECTORS OF THE TREASURY
23 HERE, THE PUBLIC. AND I'M SIMPLY SAYING THAT AT
24 THE APPROPRIATE TIME, ARE THERE LEGAL ACTIONS IN
25 WHICH A LIEN IS FILED, AND THEN SUBSEQUENTLY, IF

1 THE PROPERTY IS DISPOSED EITHER THROUGH PROBATE
2 OR ESCHEATS TO THE STATE, THAT WE GET TO RECOVER SOME
3 OF OUR COSTS. I THINK THAT'S A PUBLIC
4 RESPONSIBILITY AND OBLIGATION. DON'T YOU?

5 MR. ALBA: YES, I AGREE.

6 MS. NAUMAN: I WOULD JUST SAY THAT I
7 THINK MARGE OR SOMEONE MADE IT CLEAR THAT THE
8 VALUE OF THE PROPERTY IS FAR-- VERY MINIMAL TO THE COST
9 OF THE CLEANUP. SO THAT WE COULD PUT A LIEN, OR THE
10 COUNTY COULD PUT A LIEN, BUT BASICALLY WE WOULD
11 BE TAKING UP ALL THE VALUE OF THE PROPERTY.
12 THAT'S SOMETHING THAT WE LOOK AT WHEN WE DECIDE -
13 - THE STATUTE SAYS COST RECOVERY WHERE FEASIBLE.
14 SO GENERALLY ON SOMETHING LIKE THIS, WE WOULD LOOK AT
15 WHAT THE VALUE OF THE ASSET IS AND THE VALUE OF
16 THE CLEANUP, AND THEN MAKE OUR DECISIONS FROM
17 THERE.

18 MEMBER EATON: BUT HAVE WE DONE THAT?

19 MS. NAUMAN: WE DON'T USUALLY DO THAT

20 MS. ROUCH: NOT YET.

21 MEMBER EATON: SO THAT'S WHY I'M ASKING
22 THE PREPARATORY QUESTION AS TO WHAT WE'RE GOING
23 TO DO, IF ANYTHING, IN ORDER TO EXPLORE THAT.
24 WE HAVE TWO PROPERTY OWNERS HERE, DO
25 WE NOT?

1 MR. ALBA: YES, THAT IS CORRECT.

2 MEMBER EATON: AND ONE IS AN OLDER WOMAN
3 IN HER LATE YEARS. THERE'S ANOTHER ONE WHICH YOU
4 SAID IS NOT FEASIBLE, BUT DIDN'T PROVIDE AN
5 EXPLANATION. SO THERE ARE TWO RESPONSIBLE
6 PROPERTY OWNERS HERE. WHAT ABOUT THE SECOND?

7 MR. MASTRO: THE SECOND IS A COUPLE THAT
8 OWNS PROPERTY AS PART OF A TRUST. BY NO MEANS
9 ARE THEY WEALTHY PEOPLE. THEY'VE OWNED THE PROPERTY
10 FOR QUITE A LONG TIME. THE COUNTY IS WILLING TO
11 PUT A LIEN ON THE PROPERTY TO HELP RECOVER COSTS,
12 THAT'S NOT GOING TO BE A PROGRAM.

13 MEMBER EATON: SO WE'LL GET THAT
14 COMMITMENT FROM YOU TODAY?

15 MR. ALBA: YES.

16 MEMBER EATON: YES OR. NO?

17 MR. ALBA: YES.

18 MEMBER EATON: OKAY. THAT'S PART OF THE
19 RECORD, SO.

20 MR. ALBA: YES.

21 MEMBER EATON: AND I WOULD ASK THAT YOU
22 FORWARD A COPY OF THE LEGAL PROCEEDINGS TO OUR
23 OFFICE.

24 MR. ALBA: YES.

25 CHAIRMAN PENNINGTON: MR. FRAZEE.

1 MEMBER FRAZEE: CHAIRMAN? THIS IS A
2 LITTLE LIKE DEJA VU ALL OVER AGAIN. I RAISED
3 MANY OF THESE SAME QUESTIONS THAT MR. EATON IS
4 RAISING AT MY EARLY DAYS ON THIS BOARD, AND
5 CONTINUE TO BE CONCERNED BOTH ON THE COST
6 RECOVERY SIDE OF THINGS, BUT ALSO ON THE IS SUE OF
7 PRIORITY SETTING AND TIERING OF THESE PROGRAMS.
8 I'VE BECOME CONVINCED THAT THAT'S A
9 VERY DIFFICULT TASK TO SET PRIORITIES. THESE
10 SEEM TO BE TARGETS OF OPPORTUNITY, AND THEY COME
11 INTO RIPENESS AT A CERTAIN TIME THAT DOESN'T
12 COINCIDE WITH THEIR SERIOUSNESS. AND SOME VERY
13 SERIOUS SITES ARE VERY DIFFICULT TO GET SITE
14 ACCESS, AND TO GET APPROVAL FROM ALL OF THE
15 ASSOCIATED INTERESTS TO PERFORM ON. SO I THINK
16 THESE, AS I SAY, ARE TARGETS OF OPPORTUNITY AND
17 WE HAVE TO TAKE THEM AS THEY COME ALONG.
18 I, FOR ONE, WOULD LIKE TO SEE A
19 BETTER SYSTEM AND HAVE LONG SOUGHT THAT. BUT I
20 JUST DON'T KNOW THE SOLUTION TO THAT. THERE IS A
21 PRIORITY-SETTING SCHEME IN REGULATION, I
22 BELIEVE, ISN'T THERE?

23 MS. ROUCH: YES, THERE IS.
24 I JUST WANTED TO SAY THAT IN THE PAST
25 WE HAVEN'T HAD THE STAFF OR THE TIME TO REALLY GO

1 OUT AND LOOK AT THE UNIVERSAL SITES, AND WE
2 HAVE NOT LOOKED AT THE UNIVERSE YET BUT WE ARE
3 TRYING. TWO PEOPLE HAVE DEVOTED A LOT OF HOURS
4 IN THE LAST SIX MONTHS, AND WE SOON WILL HAVE AN
5 UPDATED LIST WHERE WE HAVE ACTUALLY BEEN TO -- I
6 SHOULD HAVE GOTTEN THE NUMBER, BUT I WOULD
7 VENTURE TO SAY WE'VE BEEN TO HALF THE COUNTIES IN
8 THE STATE OF CALIFORNIA NOW, WORKED WITH THE
9 LEAS, LOOKED AT THEIR SITES, AND WE WILL BE READY
10 TO PRIORITIZE THEM IN TERMS OF HEALTH AND SAFETY,
11 AND THE LEA'S REQUESTS FOR PRIORITY ALSO. SO WE
12 HOPE TO HAVE THAT FOR YOU SOON.
13 BUT, IT WILL BE AN ONGOING THING.
14 AND I THINK THE THING THAT MAKES IT DIFFICULT IS
15 THAT SITES HAPPEN -- IT'S NOT THAT ALL THESE
16 SITES ARE OLD AND HAVE BEEN SITTING THERE FOR
17 YEARS, SOMETIMES THINGS HAPPEN -- BECOME A
18 PROBLEM WHILE WE'RE DOING OTHER THINGS. YOU
19 KNOW, EROSION AT SOME OLD LANDFILL OR SOMETHING
20 FROM AN EL NINO TYPE OF SITUATION, THAT MIGHT
21 BRING A SITE TO THE TOP OF THE LIST, OR TOP OF
22 THE REQUESTS FOR FUNDING. SO THINGS CHANGE ALL
23 THE TIME.
24 BUT WE DO TRY, AND WE WILL LOOK AT A
25 TIERED PROCESS. IF WE CAN DO IT, WE CERTAINLY

1 WILL TRY TO DO IT.

2 MEMBER JONES: MR. CHAIRMAN?

3 CHAIRMAN PENNINGTON: YES, MR. JONES?

4 MEMBER JONES: L.A. COUNTY HAS BEEN THE

5 SUBJECT OF THIS DISCUSSION, BUT OBVIOUSLY YOU CAN

6 SEE THIS IS A BIGGER IS SUE FOR US THAN JUST THIS

7 CLEANUP IN L.A. COUNTY.

8 MR. FRAZEE SAID IT, MR. EATON SAID

9 IT, I SAID IT -- I THINK WE NEED TO HAVE AN ITEM

10 WHERE IF WE DON'T DO ANYTHING, WE DEVELOP THE

11 CRITERIA.

12 MEMBER EATON: ABSOLUTELY.

13 MEMBER JONES: AND WE DEVELOP A HARD AND

14 FAST RULE ABOUT COST RECOVERY. EVERY ONE OF US

15 ON THIS BOARD, THE CHAIRMAN ON DOWN, HAS SAID WE

16 HAVE GOT—YOU KNOW, WE HAVE A--YOU'RE RIGHT,

17 MR. EATON, WE HAVE A RESPONSIBILITY TO PROTECT

18 OUR TREASURY. AND, YOU KNOW, IF WE HAVE A HARD

19 AND FAST RULE, THEN THAT'S IT, IT'S NOT UP FOR

20 INTERPRETATION.

21 IT IS FRUSTRATING WHENEVER WE HEAR

22 REASONABLE ROADBLOCKS THAT ARE INVOLVED IN SOME

23 OF THESE PROCESSES. BUT I THINK IF WE'VE

24 ESTABLISHED A CRITERIA WE TAKE THAT OUT OF THE

25 EQUATION, IT JUST BECOMES AN AUTOMATIC PART OF

1 DOING BUSINESS HERE. SO AT SOME POINT I'D LIKE
2 TO GET AN ITEM FORWARD, MR. CHAIRMAN, WHENEVER
3 YOU THINK, WHERE WE CAN ACTUALLY DISCUSS THIS
4 THROUGH THE BOARD MEMBERS, DECIDE WHAT NEEDS TO
5 BE THERE, AND GET INVOLVEMENT FROM THE LEAS AND
6 FROM OTHER PEOPLE, AND THAT'S IT, HARD AND FAST.
7 AND THEN WE DO AWAY WITH THIS STUFF.

8 BUT, WE DO HAVE A MOTION --

9 CHAIRMAN PENNINGTON: CORRECT. WE HAVE A
10 MOTION. I'LL ASK MR. SMITH TO WORK WITH STAFF
11 AND GET US AN AGENDA ITEM THAT WE CAN DISCUSS AND
12 CARRY FORWARD IN THIS AREA.

13 MR. SMITH: I'LL TALK TO THE --

14 MEMBER RHOADS: MR. CHAIRMAN, I HAVE ONE
15 QUESTION.

16 CHAIRMAN PENNINGTON: MR. RHOADS.

17 MEMBER RHOADS: BUT GO AHEAD, MR. SMITH.

18 MR. SMITH: YES, I WILL PURSUE THAT WITH
19 THE DEPUTY, AND WE WILL BRING SUCH AN ITEM TO THE
20 BOARD.

21 CHAIRMAN PENNINGTON: THANK YOU.

22 MR. RHOADS.

23 MEMBER RHOADS: ON THE LIEN, DOES THE --
24 HOW DOES THAT EXACTLY WORK? I MEAN, IS THAT A
25 LIEN TO PAY FOR THE COUNTY'S EXPENSES, OR DOES

1 THE STATE EXPENSES GET PAID FOR, OR...? I KNOW

2 VERY LITTLE ABOUT LIENS, CAN YOU TELL ME HOW THEY

3

4 MR. MASTRO: THEY COVER THE CLEANUP. AND WHEN

5 THE PROPERTY IS SOLD, THE STATE WOULD ATTACH THAT, AND

6 PROCEEDS FROM THE SALE WOULD GO DIRECTLY -- RIGHT NOW

7 THE COUNTY SHOULD TIME ITS ADMINISTRATIVE TIME.

8 MEMBER JONES: THANK YOU.

9 MEMBER FRAZEE: MR. CHAIRMAN, I HATE TO

10 PROLONG THIS, BUT I THINK A LITTLE DISCUSSION OF

11 THIS LIEN PROCESS NEEDS TO BE DONE.

12 CHAIRMAN PENNINGTON: ABSOLUTELY.

13 MEMBER FRAZEE: THERE IS A CLEAR

14 DISTINCTION BETWEEN THE KIND OF LIEN UNDER A

15 NUISANCE ABATEMENT PROCEDURE THAT THE COUNTY OF

16 LOS ANGELES CAN DO.

17 MR. MASTRO: CORRECT.

18 MEMBER FRAZEE: I THINK ON THE OTHER SIDE,

19 IF THIS BOARD GOES INTO THE LIEN PROCESS IT'S

20 QUITE A BIT MORE COMPLICATED, AND THAT BRINGS

21 RISE TO THE ISSUE OF IS IT WORTH DOING FOR WHAT

22 YOU MAY RECOVER SOME 20 YEARS IN THE FUTURE.

23 SO THAT IS THE PART OF THIS WHOLE

24 THING THAT'S ALWAYS DISTURBED ME, IS IF THE BOARD

25 IS GOING TO DO THE CLEANUP, THEN WHAT IS THE TIE

1 BETWEEN THE COUNTY IMPOSING A NUISANCE ABATEMENT
2 LIEN ON THIS? THEY HAVE NO OBLIGATION TO PAY THE
3 MONEY BACK, SO THEY'RE NOT GOING TO BE ENTHUSED
4 ABOUT GOING THROUGH THE PROCESS OF SPENDING THEIR
5 MONEY TO IMPOSE THE LIEN. AND I THINK THAT'S
6 WHERE THIS WHOLE PROCESS NEEDS MORE WORK.

7 MEMBER EATON: AND I WOULD ALSO SAY, I
8 HAVEN'T GOT QUITE AS MANY KNOTS ON MY HEAD AS
9 PROBABLY YOU HAVE, AND HOPEFULLY WITH YOUR ADVICE
10 I CAN AVOID A FEW.

11 BUT THERE IS A THIRD OPTION NOW, TOO,
12 AS WELL. IF YOU REMEMBER, THOSE WHO SOMETIMES,
13 SHALL WE SAY, LIKE TO TAKE SOME MONEY FROM OUR
14 OWN TREASURY HERE TO FUND WHAT'S CALLED AN
15 ENVIRONMENTAL PROSECUTOR. IF YOU'LL REMEMBER, WE
16 KICKED UP SOME MONEY THERE AS WELL.

17 I THINK THAT PART OF THAT WHOLE
18 OVERALL DISCUSSION COULD BE THAT EVEN THOUGH
19 THOSE MONIES, IS MY UNDERSTANDING, GO TO THE
20 TRAINING, AND GO BACK TO THE LOCAL JURISDICTIONS.
21 WE'RE STILL PAYING FOR THAT PROSECUTOR'S
22 TRAINING, COURT TIME, ET CETERA, THAT MAYBE THAT
23 THAT'S AN ALTERNATIVE. SINCE WE'RE ALREADY
24 PAYING FOR IT, WHY NOT GET SOMETHING FOR OUR
25 VALUE, AND GET OUR ENVIRONMENTAL PROSECUTOR OUT

1 THERE? THIS SEEMS TO BE A PERFECT CASE FOR THOSE
2 KINDS OF CASES EXACTLY. I MEAN, THAT'S A THIRD
3 OPTION. I THINK YOU'RE RIGHT, I THINK WE'VE GOT
4 TO EXPLORE IT, BECAUSE THERE ARE NEW THINGS
5 HAPPENING OUT THERE AND WE'RE PAYING FOR IT --
6 (THE PARTIES SIMULTANEOUSLY SPEAK.)

7 MEMBER EATON: -- WE'RE PAYING TWICE NOW.

8 MEMBER FRAZEE: I HAVE TO QUESTION THIS
9 ONE AS BEING APPROPRIATE FOR AN ENVIRONMENTAL
10 PROSECUTOR, BECAUSE THERE ARE -- THE PERPETRATORS
11 ARE UNKNOWN. I THINK AN ENVIRONMENTAL PROSECUTOR
12 IS USED WHEN YOU HAVE SITUATIONS WHERE THE PERSON
13 WHO'S DONE THE ILLEGAL DUMPING IS KNOWN, AND
14 WE'VE HAD SOME OF THOSE, AND WE'VE EXPENDED BOARD
15 FUNDS CLEANING THOSE UP AND HAVE FAILED TO
16 PROSECUTE IN SOME INSTANCES.

17 MEMBER EATON: UNFORTUNATELY, IT'S THE
18 DISTRICT ATTORNEY'S OFFICE WHO UTILIZED THIS VERY
19 PROGRAM TO SELL IT TO THE LEGISLATORS.

20 MS. TOBIAS: I DO THINK THAT ONE OF
21 THE PROBLEMS WE'RE GOING TO RUN INTO IN THIS PARTICULAR
22 PROGRAM, WHICH STARTED OUT AS DEALING WITH ORPHAN
23 SITES, THAT WAS THE COMMON NAME FOR THIS LEGISLATION, IS
24 TO DEAL WITH PARTICULAR CONCERNS IDENTIFIED. AND
25 I THINK THAT ONE SITUATION IN THE CLEANUP PROGRAM IS

1 THAT THE PARTY WHO OWNS THE PROPERTY IS NOT
2 USUALLY THE ONE WHO'S DOING THE DUMPING. SO FM
3 NOT -- I DON'T KNOW WHERE THEY'RE GOING TO GO WITH THAT,
4 WHERE WE GO IN AND BASICALLY ASK FOR \$200,000 ON A PIECE
5 OF PROPERTY THAT'S PROBABLY WORTH TENS OF
6 THOUSANDS OF DOLLARS, WHEN THAT IS IN THE COURT,
7 THAT SIMPLY INDICATES WHETHER OR NOT WE DID IT.
8 THERE MAY BE SOME CULPABILITY, WE'RE NOT ABLE TO TAX
9 THE PROPERTY. BUT IN A SPACE SUCH AS THIS ONE, WE'VE
10 FOUND A RESPONSIBILITY TO DO SO.
11 SO ONE OF THE THINGS THAT WE'VE
12 LOOKED AT IS THAT ISSUE OF FEASIBILITY, YOU KNOW,
13 WHETHER OR NOT WE ARE ACTUALLY GOING TO BE ABLE
14 TO USE THE FUNDS. AND THAT'S WHY I SAY THAT WE DECIDE
15 THIS. IF THE CLEANUP HAS BEEN DONE, WE GO AHEAD OF
16 TIME AND SAY WE'RE GOING TO CLEAN UP THIS
17 PROPERTY, SO WE DO EVALUATE IT AFTERWARDS.
18 AND WE ALSO LOOK AT THE ORIGINAL INTENT OF
19 THE LEGISLATION, WHICH SAYS COST RECOVERED WHERE
20 FEASIBLE. AND DEVELOPING A POLICY FOR
21 THE BOARD ON COST RECOVERY IS A GOOD IDEA, AND
22 WE HAVE AT THIS TIME GIVEN THE BOARD A POLICY. BUT IT'S
23 STILL, IN THE LONG RUN, GOING TO BASICALLY HAVE
24 TO LOOK AT A NUMBER OF ISSUES OF WHETHER IT'S FEASIBLE TO
25 DO COST RECOVERY. DIFFERENT SITUATIONS, THEN WE HAVE

1 DIFFERENT POLICIES, FOR EXAMPLE, THAT BASICALLY COME
2 UNDER A STATUTE AND HAVE A DIFFERENT SITUATION.
3 SO I'D SAY, IN SUMMARY, WE DO HAVE
4 TO TALK TO THE BOARD ABOUT THIS RECOVERY. I THINK
5 WHAT WE'LL FIND IN THE LONG RUN IS THAT IT'S NOT AS
6 SIMPLE AS IT SEEMS.

7 MR. EATON: AND MY CHIEF COUNSEL HERE
8 IS VERY GOOD AT BREAKING IT DOWN INTO THE SMALL
9 MINUTIA. BUT I THINK THAT YOU SHOULD LEARN LEAVE
10 THE BIGGER PICTURE, WHERE OVER THREE OR FOUR
11 YEARS WE'RE LOOKING AT PUTTING OUT \$15 OR \$20
12 MILLION AND RECOVERING ZERO. SO AS YOU GO TO
13 THIS SITE, MAYBE THIS IS NOT A PERFECT SITE FOR
14 RECOVERY.

15 ON THE OTHER HAND, BREAKING IT DOWN
16 TO EVEN THE SMALLER, THESE GROUPS OF INDIVIDUALS
17 WERE NON-RESPONSIVE TO THE NOTICE OF VIOLATIONS.
18 ISN'T THAT CORRECT?

19 SO MY UNDERSTANDING IS THAT
20 IF YOU GO AND YOU PUT A LIEN, THAT PERHAPS THE
21 NEXT TIME -- WE CAN ALWAYS RELEASE THE LIEN, YOU
22 CAN ALWAYS RELEASE THE LIEN, YOU DON'T HAVE TO
23 PERFECT THE LIEN. SO IN SOME CASES IT'S A WAY TO
24 ENCOURAGE NOT ONLY COMPLIANCE, BUT ALSO TO HELP
25 SOME SELF-POLICING GOING ON HERE AS WELL.

1 AND SO I THINK THAT, YOU KNOW, YOU

2 SHOULD LOOK AT SOME OF THE OTHER OPTIONS. BUT, I

3 LOOK FORWARD TO THE POLICY.

4 CHAIRMAN PENNINGTON: VERY GOOD. WELL,

5 WE HAVE A MOTION ON THE FLOOR TO APPROVE

6 RESOLUTION 98-33 5.

7 IF THERE'S NO FURTHER DISCUSSION,

8 WILL THE SECRETARY CALL THE ROLL?

9 THE SECRETARY: BOARD MEMBER EATON?

10 MEMBER EATON: JUST SO I'M CLEAR, THAT WE

11 ARE GOING TO HAVE AN AGENDA ITEM ON BOTH THE

12 TIERED SYSTEM, AND AS WELL AS THE RECOVERY ITEM.

13 IS THAT CORRECT, MR. CHAIR?

14 CHAIRMAN PENNINGTON: THAT'S CORRECT.

15 MEMBER EATON: OKAY. THEN, AYE.

16 THE SECRETARY: FRAZEE?

17 MEMBER FRAZEE: AYE.

18 THE SECRETARY: JONES?

19 MEMBER JONES: AYE.

20 THE SECRETARY: RHOADS?

21 MEMBER RHOADS: AYE.

22 THE SECRETARY: CHAIRMAN PENNINGTON?

23 CHAIRMAN PENNINGTON: AYE.

24 THE MOTION CARRIES.

25 WE'LL MOVE TO ITEM "C." CONSIDERATION OF

1 REALLOCATION OF A PORTION OF FISCAL YEAR '98-99
2 FUNDS FOR THE SOLID WASTE DISPOSAL AND CODISPOSAL
3 SITE CLEANUP PROGRAM, AB-2 136. JULIE NAUMAN?

4 MS. NAUMAN: MARGE WILL PRESENT THIS
5 ITEM AS THE PROGRAM MANAGER.

6 MS. ROUCH: THIS ITEM IS A REQUEST TO THE
7 BOARD MEMBERS TO TAKE THE POT OF MONEY THAT WE
8 REQUESTED BE INCLUDED -- TO BE AMENDED INTO THE
9 GWEN CONSTRUCTION COMPANY'S CONTRACT, AND TAKE
10 THE MONEY -- WHICH HAS NOT BEEN AMENDED TO THE
11 CONTRACT YET, IT'S STILL IN THE TRUST FUND -- AND
12 INSTEAD PLACE IT INTO THE NEW CONTRACT THAT WE
13 ARE GOING OUT TO BID FOR.

14 I THINK THE MAJOR QUESTION OR CONCERN
15 HERE IS HOW DOES THE GWYNN COMPANY FEEL ABOUT IT.
16 I HAVE TALKED TO THEM, THEY UNDERSTAND THE REASON
17 WHY WE'D LIKE TO DO THIS, AND THEY HAVE NO
18 PROBLEM WITH IT.

19 AND THE REASON WHY WE DO WANT TO DO
20 THIS IS WE ARE AFRAID THAT WE WILL NOT BE ABLE TO
21 EXPEND ALL THE MONEY IN THE GWEN CONTRACT SHOULD
22 WE PUT THIS EXTRA MONEY IN THERE BY THE TIME THE
23 CONTRACT TERMINATES. SO IT WOULD NOT BE THE BEST
24 USE OF OUR MONEY.

25 THE GWYNN COMPANY HAS SAID THEY DON'T

1 HAVE ANY PROBLEM WITH IT. THEY WOULD LIKE TO BE
2 ABLE TO BID ON THE NEW CONTRACT. AND I TOLD THEM
3 THAT THEY COULD, WE'D BE HAPPY TO HAVE THEM DO
4 THAT. THEY HAVE PROVEN TO BE A VERY GOOD
5 CONTRACTOR FOR US.

6 AND SO WE'RE ASKING YOU IF YOU WILL
7 ALLOW US TO DO THAT.

8 MEMBER EATON: WHY DON'T WE PLACE IT IN A
9 CONTRACT UNTIL WE FIND OUT WHAT HAPPENS WITH THE
10 RAINY SEASON AND SEE WHAT WE MIGHT NEED TO DO
11 WITH REGARDS TO EMERGENCY CONTRACTS AND THINGS OF
12 THAT NATURE?

13 MS. ROUCH: I DON'T HAVE ANY PROBLEM WITH
14 THAT. IT'S UP TO THE BOARD'S DISCRETION,
15 WHATEVER THE BOARD WOULD LIKE US TO DO.

16 MEMBER EATON: I JUST THINK THAT IT'S WISE
17 THAT WE HAVE THESE CONTRACT QUESTIONS AND STUFF
18 LIKE THAT. THERE'S NO IMMEDIATE NEED TO PLACE
19 THIS IN A CONTRACT, AND IT GIVES THE BOARD A LOT
20 OF FLEXIBILITY COME THIS SPRING AND TO SEE WHAT
21 WE CAN DO.

22 MS. ROUCH: WELL, MAYBE IN RESPONSE TO
23 THAT, THE CONCERN THAT COMES TO MIND IS IT MEANS
24 THAT WE DON'T HAVE \$540,000 THAT WE COULD USE FOR
25 CLEANUPS.

1 THE ONLY OTHER CONCERN I HAVE IS THAT
2 IF WE HOLD IT ASIDE, POSSIBLY TO THE END OF THIS
3 FISCAL YEAR, WE WILL HAVE LOST THE USE OF THAT
4 MONEY FOR ONE YEAR. THEN IT'LL BECOME TWO-YEAR
5 MONEY AS OPPOSED TO THREE-YEAR MONEY.

6 MEMBER EATON: I DIDN'T SAY THE FISCAL
7 YEAR, I JUST SAID HOLD IT OFF UNTIL THE SPRING,
8 OR FEBRUARY, UNTIL WE SEE WHAT KIND OF SEASON WE
9 HAVE AND THAT SORT OF THING.
10 THAT'S ALL I'M TRYING TO SAY, IS THAT
11 WE DON'T NEED TO COMMIT IT INTO A CONTRACT, WE
12 ALREADY HAVE A MILLION-DOLLAR CONTRACT. AND YOU
13 JUST GOT DONE SAYING YOU DON'T KNOW IF THEY'RE
14 GOING TO USE ALL THEIR MONEY UP IN THAT CONTRACT.

15 MS. ROUCH: NO NO THAT'S-16

 MEMBER EATON: NO?

17 MS. ROUCH: WE'RE MIXING CONTRACTS
18 NOW. OKAY?

19 MEMBER EATON: OKAY. RIGHT. BUT I JUST
20 THINK THAT IN -- IT'S PRUDENT TO KEEP A NICE
21 RESERVE AND SEE WHAT HAPPENS, BECAUSE IT GIVES
22 THE STAFF THE MOST FLEXIBILITY.
23 WE DO NOT DO OURSELVES ANY HARM BY
24 NOT PUTTING THIS IN THE CONTRACT TODAY. THAT'S
25 MY UNDERSTANDING.

1 MS. ROUCH: AND THAT IS UP TO THE
2 BOARD TO DIRECT US.

3 MEMBER FRAZEE: I'M CONFUSED AT THIS POINT,
4 BECAUSE WHAT OTHER COMPANY'S CONTRACT ARE WE PUTTING
5 THIS MONEY IN?

6 MS. ROUCH: WHEN WE WENT OUT--WHEN
7 WE CAME TO THE BOARD FOR THE ALLOCATION OF THIS
8 YEAR'S FUNDS, THIS PAST JULY, WE ASKED FOR A
9 MILLION DOLLARS FOR A NEW CONSTRUCTION CONTRACT,
10 TO BE SET ASIDE FOR A NEW CONTRACT. WE ARE
11 GETTING READY TO GO OUT TO BID, WE'RE JUST
12 WAITING ON THE CONTRACT DOCUMENT TO BE FINALIZED,
13 IT'S BEING REWORKED BY OUR CONTRACTS UNIT.
14 AND THIS MONEY THAT WE HAD PROPOSED
15 GOING TO GWYNN, WE'D INSTEAD LIKE TO GO IN THE NEW
16 CONTRACT--

17 MEMBER FRAZEE: BUT NOT FOR ANY SPECIFIC
18 COMPANY.

19 MS. ROUCH: NO, THIS IS FOR A NEW
20 CONTRACT-21

MEMBER FRAZEE: OKAY. IT'S IN A POT OF
22 MONEY TO BE ALLOCATED. AND THAT COULD BE
23 ALLOCATED TO MORE THAN ONE CONTRACT.

24 MS. ROUCH: YES, IT COULD.
25 JUST ONE OTHER ASIDE, TO REFRESH YOUR

1 MEMORY, WE HAVE PUT \$1.2 MILLION ASIDE FOR GRANTS
2 AND LOANS, SO THERE IS THAT POT OF MONEY SITTING
3 THERE. AND AT THIS POINT IN TIME WE DON'T HAVE
4 ANY REQUESTS FOR IT. NOT TO SAY WE WON'T GET ANY
5 REQUESTS, BUT THERE IS ALSO THAT POT OF MONEY
6 THAT HAS NOT BEEN SET ASIDE FOR PARTICULAR
7 PROJECTS OR LOCAL AGENCIES.

8 MEMBER FRAZEE: AND THESE SPECIFIC
9 CONTRACTS WILL COME BACK TO THIS BOARD FOR
10 APPROVAL.

11 MS. ROUCH: YES.

12 MEMBER FRAZEE: OKAY. SO I'LL HAVE TO
13 QUESTION THE VALUE OF WHAT THE PROCESS OF SETTING
14 SOMETHING ASIDE -- THAT'S WHAT THIS ITEM IS
15 DOING, IS SETTING ASIDE THAT MONEY WITHOUT ANY
16 SPECIFIC CONTRACTS AT THIS POINT.

17 MS. ROUCH: WELL, IT WOULD GO INTO THE
18 NEW CONTRACT.

19 MEMBER EATON: THEY ARE GOING TO PLACE IT
20 IN THE CONTRACT.

21 MEMBER FRAZEE: BUT THAT CONTRACT IS GOING
22 OUT FOR BID, AND THAT WILL COME BACK TO THIS
23 BOARD FOR APPROVAL.

24 MEMBER EATON: CORRECT. AND IT COULD BE -
25 - BUT IT'S THE TOTAL AMOUNT. SO ARE YOU SAYING

1 THAT WE CAN SPLIT THAT CONTRACT UP INTO 750 AND

2 750--

3 MS. ROUCH: YES, I AM.

4 MEMBER EATON: -- AT A LATER POINT IN

5 TIME?

6 MEMBER FRAZEE: YES.

7 MS. ROUCH: WE ARE PROPOSING WE PUT

8 LANGUAGE IN THIS CONTRACT GIVING US THE ABILITY

9 TO CHOOSE MORE THAN ONE CONTRACTOR. SHOULD WE

10 GET SEVERAL REALLY GOOD BIDDERS, WE DECIDED THAT

11 IT WOULD GIVE US MORE FLEXIBILITY.

12 MEMBER EATON: BUT THAT ONE BIDDER WOULD

13 BE BIDDING -- IF IT WAS AWARDED, IT WOULD BE

14 AWARDED AT 1.5, NOT A \$1 MILLION CONTRACT. IS

15 THAT CORRECT?

16 MS. ROUCH: NO.

17 MEMBER FRAZEE: NOT NECESSARILY.

18 MS. ROUCH: IT COULD COME BACK AS A -

19 - FOR FINAL APPROVAL AS TWO CONTRACTS AT 750,000

20 EACH.

21 MEMBER FRAZEE: OR IT COULD COME BACK AS ONE

22 CONTRACT, A MILLION DOLLARS.

23 MS. ROUCH: IT WOULD BE WHATEVER

24 SEEMS APPROPRIATE AT THE TIME. BY THE TIME WE

25 GET THROUGH THE BIDDING PROCESS IT WILL BE

1 PROBABLY THREE MONTHS FROM NOW, I WOULD GUESS,

2 AND--

3 MEMBER EATON: SO WHAT'S THE BENEFIT OF

4 ADDING THE EXTRA HALF MILLION? LET'S CUT TO

5 MEMBER JONES: THIS MAXIMIZES OUR

6 FLEXIBILITY IS THE WAY THAT I UNDERSTAND IT.

7 MEMBER FRAZEE: IT PREVENTS IT FROM BEING

8 LOST IN THE BUDGET PROCESS.

9 MEMBER EATON: OH, I DON'T THINK IT'LL GET

10 LOST. TRUST ME.

11 MS. TOBIAS: THIS EXPIRES AT THE END OF

12 THE YEAR? IS THAT RIGHT?

13 MS. ROUCH: YES, AT THE END OF THE

14 FISCAL YEAR. RATHER THAN PUT

15 THAT 540,000 INTO GWYNN'S CONTRACT AND POSSIBLY

16 NOT BE ABLE TO USE IT, IT WOULD REVERT TO THE

17 TRUST FUND, AND THEN IT WOULD TAKE NEW

18 LEGISLATION TO BE ABLE TO USE THAT MONEY. THIS

19 WAY WE THOUGHT IF WE PUT IT IN THE NEW CONTRACT

20 IT WOULD BE A THREE-YEAR CONTRACT, AND WE'D HAVE

21 A LONGER TERM TO USE IT UNDER.

22 MS. TOBIAS: WHAT I UNDERSTAND IS TOWARDS THE

23 END OF THE YEAR THAN WHAT WE'D HAVE TO

24 DO WITH THE MONEY --

25 MS. ROUCH: IN GWYNN'S CONTRACT?

1 WELL, IT'LL JUST GO AWAY. THE MONEY WOULD REVERT
2 INTO THE TRUST FUND AND WE WOULD NOT BE ABLE TO
3 USE IT.

4 MS. TOBIAS: HAS THAT HAPPENED?

5 MS. ROUCH: NOT YET. I UNDERSTAND
6 THERE'S GOING TO BE A PROPOSAL.

7 CHAIRMAN PENNINGTON: YEAH. BUT IF I CAN
8 SPEAK FOR MR. EATON, I THINK MR. EATON'S AWARE OF
9 THAT, BUT HE JUST WANTS TO MAKE SURE THAT WE HAVE
10 THIS MAXIMUM FLEXIBILITY ON HOW WE SEND OUT THESE
11 CONTRACTS. AND I THINK WE'LL GET THAT
12 FLEXIBILITY WHEN STAFF COMES BACK AFTER THEY'VE
13 GONE OUT TO BID. AND WE CAN DECIDE WHETHER WE
14 WANT IT TO BE A MILLION, OR WHETHER WE WANT IT TO
15 BE 1.5 MILLION.

16 MS. TOBIAS: HOLD UP A MINUTE. I THINK
17 IT'S TWO DIFFERENT ISSUES HERE. ONE IS WHERE
18 THE MONEY GOES, IN WHAT CONTEXT, AND WHETHER
19 WE HOLD SOME MONEY BACK THAT'S NOT
20 EXPENDED TO DEAL WITH FUTURE ISSUES. BUT I
21 THINK WE OUGHT TO DEAL WITH THESE ON TWO
22 DIFFERENT LEVELS.

23 ONE IS WHAT STAFF IS ASKING FOR IN
24 TERMS OF MANAGING THE CONTRACTS, AND THE
25 OTHER IS HOW DOES THE BOARD WANT TO EXPEND OR--

1 MS. ROUCH: OR SET ASIDE FOR AN
2 EMERGENCY, YEAH.

3 MS. TOBIAS: SET ASIDE, RIGHT. THAT'S
4 WHAT YOU SAID.

5 MEMBER EATON: ONCE WE HAVE ANOTHER
6 SWIPE AT IT WHEN IT COMES BACK SO WE CAN
7 DETERMINE WHAT THE PRIORITIES MAY BE AT A LATER
8 TIME, AND WE DON'T DO ANY DAMAGE I DON'T HAVE A
9 PROBLEM WITH IT, BUT THAT WAS UNCLEAR.

10 CHAIRMAN PENNINGTON: WELL, ALSO, YOU
11 SAID THAT THERE WAS TWO MILLION-SOMETHING --

12 MS. ROUCH: ONE-POINT-TWO MILLION.

13 CHAIRMAN PENNINGTON: ONE-POINT-TWO
14 MILLION.

15 MS. ROUCH: IT'S IN THE TRUST FUND,
16 AND IT HAS NO SPECIFIC USE RIGHT NOW. IT'S IN A
17 GENERAL CATEGORY FOR GRANTS AND LOANS SHOULD
18 REQUESTS COME FORWARD.
19 WE HAVE ALWAYS DONE THAT, BECAUSE THE
20 LAW STATES WE CAN GIVE GRANTS AND LOANS. SO WE
21 DIDN'T WANT TO EARMARK ALL OUR MONEY INTO
22 CONTRACTS, BECAUSE THEN WE WOULDN'T BE HAVING ANY
23 FLEXIBILITY TO GIVE A MATCHING GRANT OR A LOAN
24 SHOULD SOMEONE REQUEST ONE. SO WE SET ASIDE
25 THAT MONEY.

1 IT USUALLY SITS THERE TOWARD THE END
2 OF THE FISCAL YEAR, AND THEN WHEN THE STAFF COMES
3 BACK TO YOU, AND IF WE'VE GIVEN A GRANT --
4 USUALLY NOT A LOAN, BUT IF WE GIVE A GRANT THEN
5 WE SAY THERE'S THIS MUCH MONEY LEFT, CAN WE PUT
6 IT IN OUR CONTRACTS. AND THAT'S HISTORICALLY
7 WHAT HAS HAPPENED IN THE PROGRAM.

8 MEMBER EATON: WAIT. BUT THESE ARE BOARD-
9 MANAGED CLEANUPS. CORRECT?

10 MS. ROUCH: YES.

11 MEMBER EATON: SO THERE WOULD BE NO LOANS,
12 IF I FOLLOW UP ON MR. FRAZEE'S POINT.

13 MEMBER FRAZEE: THERE'S STILL THE FUND
14 THAT'S --

15 MEMBER EATON: I'M JUST TRYING TO HELP
16 UNDERSTAND IT, YOU KNOW.

17 MS. ROUCH: I MUST HAVE MISSED
18 SOMETHING. I'M SORRY. I --

19 MEMBER EATON: YOU SAID THERE WAS 1.2
20 MILLION IN MATCHING GRANTS OR LOANS.

21 MS. ROUCH: UM-HUM. AVAILABLE FOR THEM.

22 MEMBER EATON: AVAILABLE. AND SO IF WE
23 WERE TO HAVE THAT MONEY AVAILABLE, AND YOUR
24 BOARD-MANAGED BOARD CLEANUPS UNDER --

25 MS. ROUCH: THE--NO.

1 MEMBER EATON: IT SAYS RIGHT HERE, 2136,
2 MATCHING GRANTS AND LOANS.

3 MS. ROUCH: WHERE ARE YOU-

4 MEMBER EATON: DO WE HAVE \$1.2
5 MILLION IN THE AB-2 136 TRUST FUND FOR MATCHING
6 GRANTS AND LOANS?

7 MS. ROUCH: YES, THAT'S CORRECT.

8 MEMBER EATON: SO LOANS IS A MISNOMER, IS
9 IT NOT?

10 MS. ROUCH: NO. THIS IS NOT FOR
11 BOARD-MANAGED CLEANUP.

12 MEMBER EATON: THAT'S WHAT I WAS ASKING.

13 MS. ROUCH: OKAY.

14 MEMBER EATON: AND YOU SAID -- AND IT MAY
15 BE JUST A MISCOMMUNICATION. I WAS JUST JUST
16 TRYING TO FIND OUT THAT IF IT'S BOARD-MANAGED --

17 MS. ROUCH: NO. IT'S ONLY --

18 MEMBER EATON: -- THEN MY UNDERSTANDING IS
19 WE CAN'T MAKE A LOAN, BECAUSE IT'S SORT OF --

20 MS. ROUCH: NO, NO. THAT MONEY IS
21 NOT OURS TO USE FOR IN OUR CONTRACTS OR FOR
22 BOARD-MANAGED CLEANUP. IT'S JUST SITTING THERE
23 WAITING FOR A REQUEST FOR MAYBE A COUNTY TO SAY,
24 YOU KNOW, WE'VE GOT THIS PROJECT "X", IT'S A
25 MILLION-DOLLAR PROJECT, WE WOULD LIKE 500,000

1 FROM THE STATE, CAN WE HAVE IT. AND WE SAY, YES,
2 WE HAVE 1.2 MILLION AVAILABLE, YOU CAN HAVE YOUR
3 500,000.

4 MEMBER EATON: AND IF WE DON'T USE IT BY
5 APRIL OF NEXT YEAR, THEN YOU ROLL IT INTO A
6 BOARD-MANAGED --

7 MS. ROUCH: NO. WE WOULD COME BACK
8 TOWARD THE END OF THE FISCAL YEAR, POSSIBLY --
9 WELL, APRIL OR MAY, AND REQUEST OF THE BOARD TO
10 PUT IT INTO OUR CONTRACTS, SO WE WOULD NOT LOSE
11 THE USE OF IT.

12 CHAIRMAN PENNINGTON: THAT'S BASICALLY
13 WHAT YOU WERE ASKING.

14 MS. ROUCH: IS THAT WHAT--I'M
15 SORRY, I'M SORRY --

16 MEMBER EATON: YEAH. I HEAR, OKAY, I GOT
17 YOU. I GOT THE ANSWER I NEED, THANK YOU VERY
18 MUCH.

19 CHAIRMAN PENNINGTON: SHE IS BEING RIGHT.
20 WE MAKE THAT DECISION.

21 MEMBER JONES: YEAH. WE MAKE THAT DECISION.

22 MEMBER FRAZEE: ONE FURTHER POINT. THE
23 OTHER THING TO REMEMBER IN THESE CONTRACTS, EVEN
24 THOUGH THEY ARE CONTRACTS WITH A SPECIFIC
25 CONTRACTOR, THAT DOESN'T MEAN THAT THAT

1 CONTRACTOR HAS THAT SPENDING AUTHORITY. IT'S
2 INCREMENTS OF THAT, AND THERE ALWAYS, I THINK,
3 HISTORICALLY, BEEN SOME LEFT THAT HAS NOT BEEN
4 EXPENDED BY THAT CONTRACT.
5 IT'S A LITTLE DIFFERENT THAN IN THE
6 NORMAL -- WHAT WE ALL THINK OF CONTRACTS THAT YOU
7 AWARD TO SOMEONE AND THEN THEY HAVE THAT FULL
8 EXPENDITURE AUTHORITY, AND THAT IS NOT THE CASE.
9 EACH ONE OF THE CLAIMS UPON THAT CONTRACT HAS TO
10 COME BACK TO THIS BOARD AS AN INDIVIDUAL ITEM.

11 MEMBER JONES: MR. CHAIRMAN?

12 CHAIRMAN PENNINGTON: YES, MR. JONES?

13 MEMBER JONES: I'D LIKE TO MOVE
14 RESOLUTION 98-336, MOVING THIS MONEY INTO THE NEW
15 CONSTRUCTION CLEANUP.

16 MEMBER FRAZEE: I'LL SECOND.

17 CHAIRMAN PENNINGTON: IT HAS BEEN MOVED
18 BY MR. JONES AND SECONDED BY MR. FRAZEE.

19 IF THERE IS NO FURTHER DISCUSSION,
20 WILL THE SECRETARY CALL THE ROLL?

21 THE SECRETARY: BOARD MEMBER EATON?

22 MEMBER EATON: AYE.

23 THE SECRETARY: FRAZEE?

24 MEMBER FRAZEE: AYE.

25 THE SECRETARY: JONES?

1 MEMBER JONES: AYE.

2 THE SECRETARY: RHOADS?

3 MEMBER RHOADS: AYE.

4 THE SECRETARY: CHAIRMAN PENNINGTON?

5 CHAIRMAN PENNINGTON: AYE.

6 THE MOTION CARRIES.

7 MY FINGERS GOT WORKING TOO HARD THERE

8 AND I MISSED ITEM "B," SO WE NEED TO GO BACK TO

9 CONTINUED BUSINESS ITEM "B," WHICH IS UPDATE ON

10 CONSTRUCTION AND DEMOLITION DEBRIS ACTION PLAN.

11 IT'S AN ORAL PRESENTATION, CAREN TROGOVICH.

12 MS. TROGOVICH: GOOD MORNING BOARD

13 MEMBERS, I'M KAREN TROGOVICH, DEPUTY DIRECTOR OF

14 THE WASTE PREVENTION AND MARKET DEVELOPMENT

15 DIVISION.

16 THIS MORNING'S PRESENTATION, WHICH IS

17 AN UPDATE ON THE CONSTRUCTION AND DEMOLITION

18 DEBRIS ACTION PLAN, WILL BE PRESENTED BY STEVE

19 AUSTRHEIM- SMITH.

20 BY WAY OF INTRODUCTION, I WOULD LIKE

21 TO SAY THAT THIS BEGINS THE FIRST OF MONTHLY

22 UPDATES TO COME ON EACH OF THE FOUR PRIORITY AREA

23 TEAM ACTION PLANS. WE WILL BEGIN WITH THE C&D

24 PLAN. THESE WILL BE VERY BRIEF ITEMS. THERE

25 WILL BE OPPORTUNITIES FOR YOU TO SEE THE BIG

1 PICTURE STATUS OF WHERE WE ARE AND ASK ANY
2 QUESTIONS THAT YOU MAY HAVE OF ANY SPECIFIC
3 ACTIVITIES THAT WE ARE CURRENTLY UNDERTAKING.
4 I BELIEVE THAT THE ORDER OF UPDATES
5 WILL FOLLOW WITH THE LAGDAT OR THE LOCAL
6 JURISDICTION ASSISTANCE PLAN UPDATE. THE
7 ORGANICS TEAM WILL THEN FOLLOW THE MONTH
8 AFTER THAT, FOLLOWED BY THE FACILITY COMPLIANCE
9 TEAM, AND THEN WE WILL RETURN ONCE AGAIN TO THE
10 C&D TEAM.
11 SO THIS WILL BE A VERY BRIEF UPDATE,
12 AND WED BE HAPPY TO TAKE ANY QUESTIONS AT THE
13 CONCLUSION.

14 CHAIRMAN PENNINGTON: VERY GOOD. THANK
15 YOU.

16 MR. AUSTRHEIM-SMITH: GOOD MORNING CHAIRMAN
17 PENNINGTON, AND MEMBERS OF THE BOARD. MY NAME IS
18 STEVE AUSTRHEIM- SMITH, AND WE HAVE A C&D GREEN
19 BUILDING UPDATE. AND THE SLIDE IS GREEN, BUT I'M
20 HAVING A LITTLE TROUBLE CONTROLLING THIS
21 PRESENTATION TO GET A FULL SCRENE, BUT I THINK
22 YOU CAN SEE IT.
23 THE C&D WORKING GROUP DEVELOPED A WORK
24 PLAN, WHICH YOU'RE ALL FAMILIAR WITH, I'M SURE.
25 IT CONSISTS OF TWO GOALS. GOAL ONE IS THE

1 REGIONAL FOCUS, GOAL TWO IS THE STATEWIDE FOCUS.
2 GOAL ONE INCLUDES DEVELOPMENT OF A
3 REGIONAL ACTION PLAN. THE REGIONAL ACTION PLAN
4 WILL BE DEVELOPED IN CONJUNCTION WITH STATE STAFF
5 AND THE LOCAL GOVERNMENT THAT HAS BEEN CHOSEN TO
6 WORK WITH. WE HAVE TWO NEW LOCAL GOVERNMENTS
7 RECENTLY CHOSEN, ORANGE COUNTY IS ONE, SANTA
8 CLARA COUNTY IS THE OTHER. THEY WERE CHOSEN
9 BASED ON ESSENTIALLY TWO CRITERIA, THERE WERE A
10 NUMBER THAT WERE SELECTED, BUT TWO STRONG ONES.
11 ONE IS CONSTRUCTION ACTIVITY AND DEMOLITION
12 ACTIVITY IN A CERTAIN REGION, AS WELL AS
13 WILLINGNESS OF LOCAL GOVERNMENTS TO PARTICIPATE.
14 BOTH OF THESE LOCAL GOVERNMENTS WERE WILLING TO
15 GO FORWARD WITH US.
16 THE INTENT OF THIS IS TO WORK CLOSELY
17 WITH STAFF TO ASSIST A LOCAL GOVERNMENT IN
18 DEVELOPING A C&D DIVERSION PLAN THAT THE LOCAL
19 GOVERNMENT WILL THEN IMPLEMENT.
20 THE DEVELOPMENT OF THE PLAN - - THERE
21 ARE TWO PLANS ACTUALLY, THE REGIONAL ACTION PLAN
22 BEING THE OVERALL PLAN THAT THE LOCAL GOVERNMENT
23 WILL IMPLEMENT, THE TRIUMVIRATE THAT WE ARE
24 TALKING ABOUT HERE WILL BE HELPING TO DEVELOP THE
25 IN-HOUSE PLAN ON HOW WE WILL ACTUALLY INTEGRATE

1 WITH THE LOCAL GOVERNMENTS.
2 WE HAVE SELECTED THE TRIUMVIRATE, A
3 MEMBER OF THREE DIVISIONS. DIPLA IS ONE MEMBER, P&E
4 HAS A MEMBER, AND WASTE PREVENTION MARKET
5 DEVELOPMENT DIVISION HAS A MEMBER.
6 IN CONJUNCTION, THESE THREE PEOPLE
7 WORKING TOGETHER DEVELOPED THE WORK PLAN, AND IT
8 HAS BEEN PRESENTED TO THE C&D WORKING GROUP. THE
9 DRAFT IS STILL UNDER REVIEW. THE GROUP DID
10 REVIEW THE NINE-CANDIDATE LIST AND DID CHOOSE THE
11 TWO CANDIDATE GOVERNMENTS TO GO FORWARD WITH.
12 THE NEXT TWO ITEMS, INVENTORY OF THE
13 LOCAL SITUATIONS WILL BE DONE IN CONJUNCTION WITH
14 THE LOCAL GOVERNMENT, OUR STAFF, AND ONE OF THE
15 EFFORTS THROUGH ONE OF THE CONTRACT CONCEPTS.
16 THERE IS A CONTRACT CONCEPT FOR A CONSULTANT TO
17 HELP ASSESS THE LOCAL SITUATION AND COLLECT DATA.
18 AND THEN THE FINAL ITEM IS, IN THE FUTURE, WILL
19 BE TO COMPLETE THE REGIONAL ACTION PLAN.
20 GOAL TWO IS THE GOAL IN A MORE
21 STATEWIDE FOCUS. AND I'M VERY EXCITED ABOUT
22 ESPECIALLY -- THERE ARE TWO OF THEM HERE THAT WE
23 HAVE MADE A CONSIDERABLE AMOUNT OF PROGRESS ON.
24 WORKING WITH THE STATE LICENSING BOARDS TO
25 ENCOURAGE LICENSING BOARDS TO INCLUDE EXAMINATION

1 QUESTIONS FOR CONTRACTORS THAT HAVE A FOCUS ON
2 C&D MATERIAL MANAGEMENT.
3 AND WE WENT TO THEM WITH A LITTLE
4 TREPIDATION AT FIRST, BECAUSE THERE'S SUCH A
5 REPUTATION WITH CONTRACTOR'S LICENSING BOARDS
6 THAT MAYBE THEY'RE DRAGGING THEIR FEET MORE LIKE
7 CALTRANS DOES -- WE'VE HAD LESS SUCCESS WITH
8 CALTRANS, BUT WE HAVE MADE SUCCESS WITH THEM TOO.
9 BUT THEY TOOK US WITH OPEN ARMS. AND
10 THEY HAD BEEN MULLING OVER THE IDEAS SOMETIME
11 BACK OF DOING JUST WHAT WE WERE PROPOSING. AND
12 AS A RESULT OF THE FIRST MEETING WITH THEM, THEY
13 ON THE SPOT ASKED US FOR 1400 COPIES OF OUR C&D
14 RECYCLING PROGRAM FACT SHEET, BECAUSE THEY WERE
15 SETTING UP A SERIES OF EXAMS IN SOUTHERN
16 CALIFORNIA AND WANTED THEM IN FOUR DAYS. SO, WE
17 PROVIDED THOSE TO THEM AND THEY DID DISTRIBUTE
18 THOSE.
19 SO, WE ARE WORKING TOWARD
20 PARTICIPATING IN THE EXAM REVIEW SCHEDULE WITH
21 THE STATE CONTRACTORS LICENSING BOARD. AND THIS
22 IS A -- THEY'RE DEVELOPING A SCHEDULE FOR WHICH
23 EXAMS THEY WANT TO REVIEW AT WHAT TIME. EACH
24 PROFESSION HAS A DIFFERENT EXAM -- PLUMBERS,
25 ELECTRICIANS, CONTRACTORS, THEY ALL

1 HAVE A DIFFERENT SERIES AND A TIME SCHEDULE.
2 ONCE THEY DEVELOP THAT SCHEDULE WE'LL WANT TO
3 PARTICIPATE IN HELPING THEM REWRITE SOME OF THE
4 EXAMS.
5 IN THE INTERIM PERIOD THEY ARE
6 RECEPTIVE TO THE NOTION THAT WHEN THEY PUBLICIZE
7 INFORMATION THAT'S REQUIRED STUDY MATERIAL FOR
8 EXAM CANDIDATES, THAT WE INCLUDE THE NOTION THAT
9 C&D RECYCLING IS A POSSIBLE QUESTION OR SUBJECT
10 MATTER ON THE EXAM. WHICH EVEN IF THERE NEVER IS
11 A QUESTION, IT STILL ACCOMPLISHES THE SAME GOAL
12 FOR US. WE'RE MOVING AHEAD WITH THAT ONE.
13 IDENTIFICATION OF STANDARDS OR
14 TECHNIQUES THAT ARE BARRIERS TO THE USE OF
15 RECYCLED CONTENT MATERIALS, OR THAT ARE WASTEFUL
16 PRACTICES. WE HAVE IDENTIFIED EIGHT PRODUCTS,
17 THREE OF WHICH ARE CONCRETE, ENGINEERED WOOD
18 PRODUCTS, AND ASPHALT FOR CONTINUED FOCUS. ONE
19 OF THE ONES WITH CALTRANS WITH RECYCLING ASPHALT
20 IS ONE WE'RE PUSHING FORWARD WITH, AND WE'RE
21 HOPEFUL THAT CALTRANS WILL EVENTUALLY ADOPT THE
22 STANDARD ALLOWING RECYCLED ASPHALT BACK INTO HOT
23 MIX ASPHALT FOR NEW LAYMENT.
24 THE CONCEPT OF C&D ORDINANCES. WE
25 HAVE SURVEYED THE LOCAL GOVERNMENTS IN THE STATE

1 OF CALIFORNIA AND FOUND APPROXIMATELY 30 OF THE
2 MAJOR ONES THAT HAVE AN INTEREST IN IT, BUT ONLY
3 TWO OF THEM ACTUALLY HAVE AN ORDINANCE, AND IT'S
4 A WEAK ORDINANCE. SO WE ARE REVIEWING THAT
5 ORDINANCE TO SEE IF WE CAN DEVELOP LANGUAGE FOR A
6 MODEL ORDINANCE.

7 AND WE ALSO HAVE CONTRACT CONCEPT FOR
8 PEOPLE FAMILIAR WITH WRITING ORDINANCES TO ASSESS
9 THE EFFECTIVENESS OF ORDINANCES AND HELP US WRITE
10 A MODEL ORDINANCE AT THE TIME OF -- ONCE THEY
11 FINISH THEIR REVIEW. THAT CONTRACT CONCEPT
12 SHOULD BE BEFORE YOU AT THE DECEMBER BOARD
13 MEETING, THE SCOPE OF WORK FOR THAT CONTRACT
14 RATHER.

15 WITH RESPECT TO PARTNERSHIPS, WE HAVE
16 IDENTIFIED TWO, AND WE'VE ACTUALLY FORMED TWO. I
17 THINK ONE OF THE MOST EXCITING ONES IS WITH THE
18 STATE CONTRACTORS LICENSING BOARD THROUGH THE ONE
19 OR TWO EXCITING ONES THAT WE HAVE ALREADY
20 DEVELOPED SO FAR. WE HAVE A TWO-PART THERE WITH
21 THE CONTRACTORS LICENSING BOARD, ONE IS WITH THE
22 EXAMS, THE OTHER IS GETTING INFORMATION OUT, TWO
23 DIFFERENT PARTS OF THAT ORGANIZATION. BOTH ARE
24 VERY INTERESTED IN WORKING WITH US.
25 THE SECOND EXCITING PARTNERSHIP IS

1 WITH CALIFORNIA BUILDING INDUSTRY ASSOCIATION.
2 THIS ASSOCIATION REPRESENTS BETWEEN 80 AND 90
3 PERCENT OF THE CONTRACTORS THAT BUILD RESIDENTIAL
4 HOUSING IN THE STATE OF CALIFORNIA. THEY,
5 THROUGH THIER BUILDING INDUSTRY INSTITUTE, ARE
6 VERY INTERESTED IN WORKING WITH US. THEY'VE SEEN
7 THE HANDWRITING ON THE WALL OF AB 939S IMPACT IN
8 THE YEAR 2000. CONTRACTORS HAVE REALIZED THAT
9 THEY MAY BE DENIED LANDFILL SPACE AFTER THE YEAR
10 2000. AT LEAST THE BUILDING INDUSTRY ASSOCIATION
11 RECOGNIZES THAT AND IS PRESENTING THAT TO THEIR
12 MEMBERS.

13 UPCOMING IS THE CONTRACT CONCEPT,
14 ROUND TWO, WITH BII, AND THAT IS -- YOU'LL BE
15 SEEING THE SCOPE OF WORK FOR THAT IN DECEMBER.
16 VERY EXCITING.

17 AND THE SYSTEM TO COLLECT AND ANALYZE
18 RECYCLED CONTENT PRODUCTS. WE HAVE CLEANED UP
19 OUR DATABASE, WE NOW HAVE A BETTER MECHANISM FOR
20 IDENTIFYING NEW PRODUCTS AND GETTING THOSE INTO
21 OUR DATABASE.

22 IDENTIFIED TWO TARGET AUDIENCES AND
23 DELIVERY SYSTEMS. WE HAVE JUST BEGUN TO WORK IN
24 THIS AREA WHEREBY THE CONTRACT CONCEPT FOR THE
25 GREEN BUILDING TECHNOLOGY CENTER WILL FLESH OUT

1 THE IDEAS FOR THAT ONE. THAT WILL BE BEFORE YOU

2 IN DECEMBER AS WELL, THE SCOPE OF WORK.

3 AND THAT CONCLUDES MY PRESENTATION.

4 MS. TRGOVCICH: I'D JUST LIKE TO ADD A

5 FINAL NOTE IN TERMS OF THE IMPORTANCE OF OUR

6 EFFORTS HERE. FOR THOSE OF YOU THAT HAVEN'T SEEN

7 IT, U.S. EPA JUST RECENTLY CONDUCTED OR COMPLETED

8 A NEW STUDY OF CONSTRUCTION AND DEMOLITION DEBRIS

9 GENERATION, AND IT JUST CAME OUT. AND IT'S ONE

10 OF THE FIRST OF ITS KIND STUDIES, IN THAT IT DOES

11 LOOK AT THE POINT OF GENERATION. AND IT LOOKED

12 AT GENERATION FROM THE PERSPECTIVE OF DEMOLITION

13 ACTIVITIES, NEW CONSTRUCTION ACTIVITIES, AS WELL

14 AS DECONSTRUCTION.

15 AND IT SHOWED THAT THE AMOUNT OF C&D

16 DEBRIS IN THE WASTE STREAM IS ACTUALLY HIGHER

17 THAN PREVIOUSLY ANTICIPATED. AND WHERE IT FOUND

18 THE LOWEST AMOUNT OF GENERATION OF THIS WASTE

19 STREAM WAS IN THE NEW CONSTRUCTION AREA. BUT

20 THEY QUALIFIED THAT BY SAYING THAT THERE WERE

21 MANY THINGS THAT THEY DIDN'T KNOW ABOUT AND

22 DIDN'T FACTOR INTO THEIR EVALUATION. AND THAT

23 REPORT JUST CAME OUT, AND I BELIEVE IT'S

24 AVAILABLE ON THE INTERNET THROUGH U.S. EPA, AND

25 WE'VE BEEN CIRCULATING COPIES HERE IN THE

1 ORGANIZATION AS WELL.

2 CHAIRMAN PENNINGTON: VERY GOOD. ANY
3 QUESTIONS OF STAFF? MR. FRAZEE.

4 MEMBER FRAZEE: ON THE QUESTION OF THE
5 MODEL ORDINANCE DEVELOPMENT, ARE YOU INTERFACING
6 WITH THE LEAGUE OF CITIES AND WITH COUNTY
7 SUPERVISORS ASSOCIATION? THEY BOTH HAVE PUBLIC
8 WORKS DIVISIONS, AND IT MIGHT BE EASIER DEALING
9 WITH THEM THAN TRYING TO DEAL WITH INDIVIDUAL
10 JURISDICTIONS. AND THEY QUITE OFTEN PUBLISH
11 MODEL ORDINANCES FOR JURISDICTIONS TO USE.

12 MR. AUSTRHEIM-SMITH: WE HAVEN'T INTERFACED WITH
13 THEM YET, BUT WE FULLY INTEND TO.

14 MS. TRGOVCICH: AND THAT WILL BE INCLUDED
15 WITHIN THE ACTUAL SCOPE OF WORK IN TERMS OF THE
16 POINTS OF CONTACT THAT WE WANT THE CONTRACTOR TO
17 MAKE, AND HOW WE WANT THEM TO PERFORM THE WORK.

18 MEMBER FRAZEE: I SEE.

19 CHAIRMAN PENNINGTON: MR. RHOADS.

20 MEMBER RHOADS: YEAH. I WANT TO THANK
21 YOU FOR THE PRESENTATION, AND CONGRATULATE YOU ON
22 THE WORK YOU'VE BEEN DOING. I PARTICULARLY AM
23 INTERESTED IN THE WORK YOU'VE DONE WITH THE
24 BUILDING INDUSTRY, BECAUSE IN MY OLD JOB IN THE
25 ENERGY COMMISSION WE ALSO DID A LOT OF WORK IN

1 THE TRAINING. AND I JUST SEE A MARVELOUS
2 OPPORTUNITY FOR THE WASTE BOARD AND THE BUILDING
3 INDUSTRY TO PARTNERSHIP. AND AGAIN, I JUST SEE
4 JUST NOT THE WASTE BUT THE ENERGY IN A LOT OF
5 DIFFERENT AREAS THAT CAN BE BROUGHT TOGETHER. SO
6 I WILL BE TALKING TO YOU, I'LL BE VERY INTERESTED
7 IN THIS WORK.

8 MR. AUSTRHEIM-SMITH: GOOD. THANK YOU. BECAUSE
9 THROUGH CAROLYN THREKELL IN YOUR OFFICE YOU
10 WERE THE INSPIRATION FOR US WORKING WITH BII AND
11 CONSUL.
12 A LITTLE UPDATE ON A CONTRACT THAT
13 HAS ALREADY BEEN COMPLETED WITH CONSUL TO PROVIDE
14 TRAINING, WE INITIALLY, FOR OUR \$10,000 THROUGH
15 CONSUL HAVE PROBABLY THE BARGAIN OF THE YEAR.
16 THEY DEVELOPED SOME C&D OUTREACH EFFORTS THAT
17 THEY INCLUDED IN ONGOING TRAINING THROUGH THE
18 ENERGY COMMISSION AND DEPARTMENT OF ENERGY. WE
19 MANAGED TO PIGGYBACK IN CHAPTER 5 OF THEIR
20 MANUAL, AND THEY ARE TAKING THAT TO ALL THE
21 CONTRACTOR SUPERVISORS ON THE ROAD RIGHT NOW, AND
22 LAST WEEK WAS THE FIRST ROLL-OUT DEMONSTRATION
23 FOR THAT, AND IT WAS EXCELLENT. WE FIRST THOUGHT
24 WE'D JUST GET CHAPTER 5 WITHOUT ANY MENTION
25 VERBALLY, BUT WE ACTUALLY GOT SOME TEACHING TIME

1 AS A BONUS. AND IT'S PRETTY INTERESTING.

2 MEMBER RHOADS: WELL, CAROLYN, AS SOME OF
3 YOU MAY OR MAY NOT KNOW, USED TO WORK FOR THE --
4 I THINK AT THAT TIME IT WASN'T THE INTEGRATED
5 WASTE MANAGEMENT BOARD, BUT HAS A SOFT PLACE IN
6 HER HEART FOR THIS ORGANIZATION, AND SHE'S MADE
7 SPECIAL EFFORTS. AND SHE DID WORK FOR ME AND
8 SHE'S A GREAT WOMAN.

9 CHAIRMAN PENNINGTON: MR. JONES.

10 MEMBER JONES: MR. CHAIRMAN. I TOO WANT
11 TO CONGRATULATE YOU.
12 BUT I WANT TO BRING UP A PIECE OF
13 INFORMATION IN THE L.A. TIMES ON OCTOBER 16TH
14 THERE IS A NEW LIBRARY ENVIRONMENTAL AWARENESS
15 CENTER THAT'S GOING INTO PACOMA AND LAKEVIEW
16 TERRACE, A \$6.7 MILLION PROJECT, AND THE GOAL OF
17 THE PROJECT IS -- THIS IS THE TASK, IS TO DESIGN
18 A SELF-SUSTAINING BUILDING THAT DOESN'T USE NEW
19 RESOURCES FROM NATURE. IT'S GOING TO BE
20 COMPLETELY BUILT OUT OF RECYCLED MATERIAL, A \$6.7
21 MILLION PROJECT. IT'S THE 68TH BRANCH LIBRARY
22 IN L.A. COUNTY. AND THEY'VE MADE THE DECISION TO
23 DO IT WITH 100 PERCENT POST-CONSUMER MATERIAL.
24 AND I THINK THAT'S AN IMPORTANT THING
25 TO TALK ABOUT HERE, BECAUSE THE ARCHITECT IS A

1 GUY NAMED HENRY LENNY, WHO IS BEING PAID FOR
2 WITH A GRANT FROM WASTE MANAGEMENT. WASTE
3 MANAGEMENT, ACCORDING TO THIS THING HERE, THEY'RE
4 LOSING MONEY AT THEIR LANDFILL BECAUSE PEOPLE ARE
5 RECYCLING SO THEY WANT TO DO THIS TO DEVELOP
6 MARKETS, SO THAT'S ANOTHER SOURCE OF REVENUE FOR
7 THAT MATERIAL THAT'S RECOVERED. IT'S CRITICALLY
8 IMPORTANCE TO THE DISCUSSION. AND I THINK IT'S
9 IMPORTANT TO THIS, IS THAT AS WE'VE CHANGED THE
10 WAY WE DO BUSINESS, THAT'S WHY WE'RE HOOKED UP
11 WITH ARD, IS WE'VE GOT TO GET PEOPLE THINKING
12 ABOUT BUYING RECYCLED. AND AS MUCH AS I'VE
13 BASHED WASTE FOR SOME OF THEIR NEW CHANGES, I
14 THINK I OWED IT TO THEM TO TELL THEM TO PUT IN I
15 GUESS 550 OR 650 GRAND TO PAY FOR THIS ARCHITECT
16 TO GET A \$6.7 MILLION PROJECT MADE OF 100 PERCENT
17 POST-CONSUMER MATERIAL. THAT'S PRETTY
18 IMPRESSIVE.

19 MR. AUSTRHEIM-SMITH: GREAT NEWS. MAYBE THEY CAN
20 HELP US WITH THE CAL EPA BUILDING.

21 CHAIRMAN PENNINGTON: OKAY. ANY OTHER
22 QUESTIONS? OKAY. THANK YOU VERY MUCH.
23 WE'RE GOING TO TAKE ABOUT A 10-MINUTE
24 BREAK HERE WHILE WE FIX THE MICROPHONE AND DO A
25 COUPLE OF OTHER THINGS.

1 (OFF THE RECORD.)

2 CHAIRMAN PENNINGTON: YES, MR. RHOADS.

3 MEMBER RHOADS: I HAVE THESE EX PARTE
4 CONTACTS.

5 CHAIRMAN PENNINGTON: JUST A MOMENT.

6 MEMBER RHOADS: DENISE DELMATIER AND I
7 HAD A CONVERSATION DURING THE BREAK.

8 CHAIRMAN PENNINGTON: OKAY, VERY GOOD.
9 ANY OTHER EX PARTES THAT NEED TO
10 BE...? IF NOT, THANK YOU.

11 AND WE'LL GO TO MS. NAUMAN NOW.

12 MS. NAUMAN: TADESE, I'LL DO MY BEST ON THIS,
13 TADESE GEBREHAWARIAT WILL MAKE THE PRESENTATION.

14 MR. GEBREHAWARIAT: GOOD MORNING. THE LAS
15 PULGAS LANDFILL IS OWNED AND OPERATED BY THE
16 UNITED STATES MARINE CORPS AT CAMP PENDLETON.
17 THE LANDFILL IS USED SOLELY FOR THE DISPOSAL OF
18 NONHAZARDOUS SOLID WASTE GENERATED AT THE BASE.

19 THE PROPOSED REVISED PERMIT IS TO

20 ALLOW THE FOLLOWING:

21 AN INCREASE IN THE TOTAL PERMITTED
22 LANDFILL SIZE FROM 43 TO 88.7 ACRES, AN INCREASE
23 IN THE MAXIMUM LANDFILL ELEVATION FROM 570 TO 680
24 FEET ABOVE MAIN SEA LEVEL, AND THIS WILL ALLOW
25 FOR AN INCREASE IN THE LANDFILL CAPACITY FROM

1 NEARLY TWO MILLION TO ABOUT 10.6 MILLION CUBIC
2 YARDS. AND AS A CONSEQUENCE THE ESTIMATED
3 LANDFILL CLOSURE PERIOD WILL BE EXTENDED FROM THE
4 YEAR 2009 TO ABOUT THE YEAR 2184.
5 BOARD STAFF AND THE LEA HAVE
6 DETERMINED THAT ALL OF THE REQUIREMENTS FOR THE
7 PROPOSED REVISED PERMIT HAVE BEEN MET.
8 THAT THE BOARD APPROVE THE INTEGRATED
9 WASTE MANAGEMENT PLAN FOR THE COUNTY OF SAN DIEGO
10 IN JUNE OF 1997, AND THAT THE LAS PULGAS LANDFILL
11 IS IDENTIFIED AND DESCRIBED IN THE COUNTY-WIDE
12 SITING ELEMENT PORTION OF THE PLAN.
13 THAT THE PROPOSED DESIGN AND
14 OPERATION OF THE FACILITY AS DESCRIBED IN THE
15 SUBMITTED JOINT TECHNICAL DOCUMENT WOULD ALLOW
16 FOR A LANDFILL OPERATION IN COMPLIANCE WITH THE
17 STATE MINIMUM STANDARDS.
18 AND THAT THE SCOPE OF THE PROPOSED
19 PERMIT IS CONSISTENT WITH THE NATIONAL
20 ENVIRONMENTAL POLICY ACT, OR NEPA, DOCUMENTS THAT
21 WERE SUBMITTED FOR COMPLIANCE WITH THE CALIFORNIA
22 ENVIRONMENTAL QUALITY ACT, OR CEQA.
23 IN CONCLUSION, THE STAFF RECOMMENDS
24 THAT THE BOARD ADOPTS SOLID WASTE FACILITY PERMIT
25 DECISION NUMBER 98-340, CONCURRING WITH THE

1 ISSUANCE OF SOLID WASTE FACILITY PERMIT NUMBER

2 37AA0903.

3 AND MS. REBECCA LAFRANEAR,

4 REPRESENTING THE COUNTY LEA, IS HERE TO ANSWER ANY

5 QUESTIONS YOU MAY HAVE.

6 CHAIRMAN PENNINGTON: VERY GOOD, THANK

7 YOU.

8 MR. FRAZEE.

9 MEMBER FRAZEE: IF THERE'S NO DISCUSSION.

10 I WANTED THE PLEASURE OF MAKING THE MOTION ON

11 THIS.

12 CHAIRMAN PENNINGTON: OKAY.

13 MEMBER EATON: I WAS JUST WONDERING IF I HEARD

14 CORRECTLY THAT IT WAS 175 YEARS OUT INTO THE

15 FUTURE, AND WHETHER OR NOT WE HAD CALCULATED THE

16 FUTURE POST-CLOSURE COSTS IN PRESENT DAY DOLLARS,

17 THAT'S ALL.

18 CHAIRMAN PENNINGTON: OKAY. ANY

19 DISCUSSION?

20 IF NOT, MR. FRAZEE.

21 MEMBER FRAZEE: YES, MR. CHAIRMAN. THIS

22 ONE IS VERY CLOSE TO ME. FIRST OF ALL, LAS

23 PULGAS CANYON WE FARMED NEXT TO FOR SOME 30

24 YEARS. LAS PULGAS, BY THE WAY, MEANS THE FLEAS.

25 AND I HAD THE PLEASURE OF REPRESENTING CAMP

1 PENDLETON IN THE STATE LEGISLATURE FOR 16 YEARS.

2 IN ADDITION TO THAT I WAS SWORN INTO THE MARINE

3 CORPS AT CAMP PENDLETON SOME 48 YEARS AGO, SO

4 THAT REALLY DATES ME.

5 BUT, ANYWAY, WITH THAT PREFACE, MR.

6 CHAIRMAN, I'D LIKE TO MOVE ADOPTION OF RESOLUTION

7 OF 98-340.

8 CHAIRMAN PENNINGTON: MR. JONES?

9 MEMBER JONES: HAVING ONLY SPENT A FEW

10 WEEKS AT CAMP PENDLETON, I'LL SECOND THAT MOTION.

11 CHAIRMAN PENNINGTON: VERY GOOD. IF

12 THERE'S NO FURTHER DISCUSSION, WILL THE SECRETARY

13 CALL THE ROLL?

14 THE SECRETARY: BOARD MEMBER EATON?

15 MEMBER EATON: AYE.

16 THE SECRETARY: FRAZEE?

17 MEMBER FRAZEE: AYE.

18 THE SECRETARY: JONES?

19 MEMBER JONES: AYE.

20 THE SECRETARY: RHOADS?

21 MEMBER RHOADS: AYE.

22 THE SECRETARY: CHAIRMAN PENNINGTON?

23 CHAIRMAN PENNINGTON: AYE.

24 THE MOTION CARRIES.

25 WE'LL NOW MOVE TO ITEM NO. 5,

1 CONSIDERATION OF A REVISED SOLID WASTE FACILITY
2 PERMIT FOR THE MAXWELL TRANSFER STATION IN COLUSA
3 COUNTY. DID I SAY FIVE? OH, I MEANT TO SAY
4 FOUR. I GUESS IT'S BECAUSE I'M APPROACHING A
5 MAJOR BIRTHDAY.

6 MEMBER EATON: AND YOU MADE A COMMITMENT
7 TO ALL OF US THAT YOU'D MOVE THE AGENDA ALONG
8 TODAY, I THINK, IF I'M NOT MISTAKEN.

9 CHAIRMAN PENNINGTON: TRUE. ANYWAY, THIS
10 IS THE MAXWELL TRANSFER STATION IN COLUSA COUNTY.
11 AND, MS. NAUMAN.

12 MS. NAUMAN: BRIAN LARIMORE OF THE P&I
13 STAFF WILL MAKE THE PRESENTATION.

14 CHAIRMAN PENNINGTON: OKAY.

15 MR. LARIMORE: GOOD MORNING MR. CHAIRMAN
16 AND BOARD MEMBERS. THIS ITEM IS FOR A PROPOSED
17 REVISION OF THE SOLID WASTE FACILITY PERMIT FOR
18 THE MAXWELL TRANSFER STATION IN COLUSA COUNTY.
19 THE SITE IS LOCATED IN AN
20 UNINCORPORATED AREA OF COLUSA COUNTY, ABOUT ONE
21 HALF MILE SOUTH OF MAXWELL. THE TRANSFER STATION
22 IS OWNED BY THE COUNTY OF COLUSA AND OPERATED BY
23 COLUSA SOLID WASTE AND RECYCLING, INC., A
24 SUBSIDIARY OF WASTE MANAGEMENT, INC.
25 THE PROPOSED PROJECT WOULD RESULT IN

1 THE FOLLOWING: AN INCREASE IN THE PERMITTED
2 TONNAGE FROM AN AVERAGE OF 40 CUBIC YARDS PER DAY
3 TO A MAXIMUM OF 100 TONS PER DAY; AN INCREASE IN
4 THE PERMITTED HOURS OF OPERATION; CONSTRUCTION OF
5 A METAL BUILDING OVER THE DISPOSAL PAD, PUSH
6 WALL AND LOAD-OUT TUNNEL; A CHANGE IN OPERATOR
7 FROM COLUSA COUNTY PUBLIC WORKS TO COLUSA SOLID
8 WASTE AND RECYCLING, INC.; AND IMPROVEMENT OF
9 SITE GRADING, CONTACT WATER MANAGEMENT, AND FIRE
10 CONTROL SYSTEMS.

11 BOARD AND LEA STAFF HAVE MADE THE
12 FOLLOWING FINDINGS:

13 COLUSA COUNTY HAS AN APPROVED NON-
14 DISPOSAL FACILITY ELEMENT, AND THE BOARD'S OFFICE
15 OF LOCAL ASSISTANCE HAS DETERMINED THAT THE
16 PROPOSED FACILITY IS IN CONFORMANCE WITH THE
17 NDFE.

18 THE PROPOSED PERMIT IS CONSISTENT
19 WITH CEQA AND THE STANDARDS ADOPTED BY THE BOARD.
20 AND THE FACILITY AS DESCRIBED IN THE
21 RSI IS EXPECTED TO OPERATE IN COMPLIANCE WITH
22 STATE MINIMUM STANDARDS.

23 THIS FACILITY ACCEPTS BATTERIES, OIL
24 AND PAINT, AND HAS RECYCLE BINS FOR GLASS, PAPER,
25 PLASTICS AND METALS. WHITE GOODS ARE ALSO

1 ACCEPTED FOR RECYCLING.

2 A QUESTION WAS RAISED IN ONE OF THE

3 BRIEFINGS REGARDING THE PREVENT OR SUBSTANTIALLY

4 IMPAIR FINDING THAT THE BOARD USED TO MAKE FOR

5 PROPOSED PERMITS. ELLIOTT BLOCK OF THE LEGAL

6 OFFICE WILL PROVIDE SOME BRIEF BACKGROUND ON THIS

7 ISSUE, SINCE THE REQUIREMENT WAS DELETED FROM

8 STATUTE PRIOR TO THE APPOINTMENT OF THREE OF THE

9 CURRENT BOARD MEMBERS.

10 IN CONCLUSION, STAFF HAS REVIEWED THE

11 PROPOSED PERMIT AND SUPPORTING DOCUMENTATION AND

12 FOUND THEM ACCEPTABLE. STAFF RECOMMENDS THAT THE

13 BOARD ADOPT RESOLUTION NO. 98-3 42, CONCURRING IN

14 THE ISSUANCE OF SOLID WASTE FACILITIES PERMIT NO.

15 06AA0003.

16 REPRESENTATIVES OF THE LEA, PUBLIC

17 WORKS, AND THE OPERATOR ARE HERE IF YOU HAVE ANY

18 QUESTIONS.

19 CHAIRMAN PENNINGTON: THANK YOU.

20 MR. BLOCK.

21 MR. BLOCK: GOOD MORNING CHAIRMAN

22 PENNINGTON AND BOARD MEMBERS.

23 IN 1990 THE PUBLIC RESOURCES CODE

24 SECTION 44009, WHICH IS THE MAIN PERMIT SECTION

25 THAT THE BOARD USES, WAS REVISED TO ADD A

1 REQUIREMENT THAT UNTIL THE COUNTY-WIDE INTEGRATED
2 WASTE MANAGEMENT PLAN AS APPROVED, THE BOARD WAS
3 TO OBJECT TO SOLID WASTE FACILITIES PERMITS IF IT
4 DETERMINED, BASED UPON SUBSTANTIAL EVIDENCE IN
5 THE RECORD, THAT THE ISSUANCE OF THE PERMIT WOULD
6 PREVENT OR SUBSTANTIALLY IMPAIR ACHIEVEMENT OF
7 THE DIVERSION REQUIREMENTS.
8 THE PURPOSE OF THE LEGISLATION WAS
9 TO ADDRESS THE FACT THAT AB 939 LEFT NO PLANNING
10 PROCESS IN PLACE TO GUIDE SOLID WASTE FACILITY
11 PLANNING AND PERMITTING DECISIONS FOR THE PERIOD
12 OF TIME BETWEEN THE ELIMINATION OF THE OLD COAST
13 SWAMPS, AND BOARD APPROVAL OF THE CIWIPS.
14 ASSEMBLYMAN CORTESI, WHO IS THE
15 AUTHOR OF THE LEGISLATION, HAD INDICATED THAT
16 THERE WERE TWO SPECIFIC SITUATIONS HE WAS TRYING
17 TO ADDRESS, FLOW CONTROL CONTRACTS EXECUTED BY
18 LOCAL AGENCIES WHICH REQUIRED TRANSFORMATION OR
19 DISPOSAL OF RECYCLABLE MATERIALS WHICH WERE
20 NEEDED TO MEET THE AB 939 RECYCLING GOALS, AND
21 LOCAL GOVERNMENT FINANCING ARRANGEMENTS WHICH
22 NECESSITATED THE TRANSFORMATION OR DISPOSAL OF
23 SUBSTANTIAL QUANTITIES OF RECYCLABLE MATERIALS IN
24 ORDER TO SERVICE LONG-TERM DEBT.
25 IN ORDER TO MEET THIS REQUIREMENT THE

1 BOARD ESTABLISHED A PROCEDURE WHERE FOR PROPOSED
2 PERMITS IT WOULD DETERMINE WHETHER THERE EXISTED
3 CONTRACTS OR OTHER ARRANGEMENTS THAT INDICATED
4 THE DIVERSION MANDATES WOULD BE AFFECTED, AND
5 ALSO ISSUED LEA ADVISORY NUMBER 28, WHICH
6 REQUIRED LEAS TO SUBMIT A WRITTEN VERIFICATION
7 WITH SUPPORTING EVIDENCE ALONG WITH THE
8 APPLICATION PACKAGE WHICH DESCRIBED WHETHER THERE
9 WERE CONTRACTS OR OTHER ARRANGEMENTS REQUIRING
10 DISPOSAL OR TRANSFORMATION OF SOLID WASTE NEEDED
11 TO ACHIEVE THE DIVERSION REQUIREMENTS.
12 AB 2009 WAS CHAPTERED ON JULY 23RD,
13 1996, AS AN URGENCY MEASURE AND DELETED THIS
14 REQUIREMENT FROM THE BOARD'S STATUTES. AS OF
15 THAT DATE THE BOARD STOPPED EVALUATING THIS ISSUE
16 FOR THE PURPOSES OF PROPOSED SOLID WASTE
17 FACILITIES PERMITS BECAUSE IT WASN'T LISTED AS A
18 BASIS FOR OBJECTION TO THE PERMITS.
19 THAT'S A BRIEF BACKGROUND. I DIDN'T
20 HAVE ANY MORE TO SAY UNLESS YOU HAD SOME
21 QUESTIONS ABOUT THAT PARTICULAR ISSUE.

22 CHAIRMAN PENNINGTON: VERY GOOD.
23 QUESTIONS? MR. EATON.

24 MEMBER EATON: MR. BLOCK, SO IS THE LEA
25 NOT REQUIRED TO SUBMIT A CERTIFICATION NOW BASED

1 UPON THE CORTESI LEGISLATION, OR THE URGENCY
2 LEGISLATION, OR ARE THEY STILL REQUIRED TO
3 CERTIFY?

4 MR. BLOCK: NO, THEY ARE NOT REQUIRED TO
5 CERTIFY. THE STATUTORY PROVISION WAS DELETED,
6 AND SO ACTUALLY I DID FORGET TO MENTION THAT WE
7 RESCINDED LEA ADVISORY NUMBER 28.

8 MEMBER EATON: SO THAT'S RESCINDED.

9 MR. BLOCK: YES.

10 MEMBER EATON: I DON'T HAVE ANYTHING
11 FURTHER OF MR. BLOCK. BUT I DO HAVE SOME
12 COMMENTS ON THE SITE ITSELF, WHEN APPROPRIATE.

13 CHAIRMAN PENNINGTON: OKAY. ANY OTHER
14 QUESTIONS OF STAFF? IF NOT, GO AHEAD MR. EATON.

15 MEMBER EATON: AGAIN, MR. CHAIR, THIS IS
16 ONE OF THOSE SITUATIONS WHERE I THINK THAT WE
17 NEED TO TAKE A LOOK -- TOMORROW, AS YOU WELL
18 KNOW, OUR SECOND-DAY BOARD MEETING TAKES A LOOK
19 AT 1066 AND SOME OF THE REQUIREMENTS FOR
20 OBTAINING OUR DIVERSION GOALS. AND HERE AGAIN WE
21 HAVE ANOTHER PERFECT EXAMPLE OF WHERE WE'RE
22 APPROVING A TRANSFER STATION. AND MY GUESS WILL
23 BE -- AND IT HAS NOTHING TO DO WITH COLUSA OR
24 RURAL JURISDICTIONS OF WHICH I HAVE PROBABLY A
25 VERY STRONG OPINION BASED UPON MY BACKGROUND AND

1 THE PEOPLE I'VE WORKED FOR.
2 BUT, A SITUATION WHEREIN WE ARE SORT
3 OF IN A BOX MENTALITY WHERE WE HAVE ONE PART OF
4 OUR ORGANIZATION APPROVING A PERMIT, WE HAVE
5 ANOTHER PART OF OUR ORGANIZATION WHICH HAS TO
6 LOOK AT THE DIVERSION, AND THEN WE AS THE BOARD
7 ARE GOING TO BE CALLED UPON SOMETIME IN THE
8 FUTURE TO GRANT EXTENSIONS BASED UPON GOOD-FAITH
9 EFFORTS AND THOSE KINDS OF MATTERS, AS TO WHETHER
10 OR NOT THE MANDATES OF 939 CAN BE EXTENDED OUT IN
11 THE FUTURE.

12 MY GUESS IS THAT COLUSA COUNTY, THIS
13 WILL BE THE LAST TRANSFER STATION THAT WILL BE
14 BUILT THERE FOR SOME TIME, AND IT WILL BE A
15 MISSED OPPORTUNITY BY WHICH WE CAN ASSIST THEM IN
16 REACHING THEIR DIVERSION GOALS OVER THE COURSE OF
17 TIME. AND I JUST THINK THAT BASICALLY WE NEED TO
18 LOOK AT THESE BOTH IN THE HEARINGS TOMORROW, AS
19 WELL AS IN THE FUTURE, AS TO WHETHER OR NOT THE
20 LEGISLATION THAT WAS PASSED IN 1996 IS GOING TO
21 HELP US.

22 WE ARE SOMEWHAT OF A WALRUS IN THE
23 FACT THAT WE ARE -- NOT LIKE A TOOTHLESS TIGAR, BUT A
24 WALRUS, WHERE WE BASICALLY CAN GO DOWN WITH OUR
25 TUSKS AND STIR UP THINGS, BUT WE CAN'T BITE DOWN

1 ON THEM AND ACTUALLY DO THE ENFORCEMENT. AND I
2 THINK WHEN WE COME BACK AND WE LOOK AT SHOULD ANY
3 OF THESE RURAL JURISDICTIONS COME IN AND SAY WE
4 NEED AN EXTENSION BASED UPON GOOD-FAITH EFFORTS,
5 THEY ARE GOING TO LOOK TO US AND SAY, WELL, YOU
6 APPROVED THE TRANSFER STATION BACK THREE YEARS
7 AGO, YOU SHOULD HAVE TOLD US THEN THAT WE NEEDED
8 TO DO THESE KINDS OF THINGS.
9 AND I JUST THINK THAT -- THIS HAS
10 NOTHING TO DO WITH THIS PARTICULAR PERMIT -- BUT,
11 I THINK IT IS SOMETHING THAT WE NEED TO LOOK AT
12 AND SEE IF WE CAN'T GET SOME ASSISTANCE IN TERMS
13 OF TRYING TO GET SOME KIND OF COORDINATED EFFORT
14 WHERE WE LOOK AT THESE THINGS IN A COMPREHENSIVE
15 MANNER, TO HELP ALL OF THE DIVERSION GOALS,
16 BECAUSE I SURE WOULD HATE TO BE SITTING THERE AND
17 SAYING YOU'VE MADE A GOOD-FAITH EFFORT WHEN YOU
18 REALLY HAVEN'T DONE ANYTHING.
19 THIS IS A PUBLICLY-OWNED OR A PUBLICLY
20 OPERATED TRANSFER STATION WHEREIN IF WE HAD THE
21 ABILITY TO KIND OF WORK WITH THEM, AND NUDGE THEM
22 ALONG AND GET THEM GOING, THE FACT THAT THEY
23 ACCEPT THESE KINDS OF THINGS ARE GREAT, BUT I
24 IMAGINE A TRANSFER STATION IN COLUSA COUNTY IS
25 PROBABLY ONE OF THE FEW THAT ARE THERE, THAT THEY

1 PROBABLY CAN MEET MOST OF THEIR DIVERSION GOALS,
2 AND I THINK WE SHOULD LOOK AT IT FROM A MUCH
3 BROADER PICTURE, AND ALSO THE STATUTORY
4 AUTHORITY, WHETHER WE NEED TO GO BACK TO WHAT WE
5 HAD BEFORE, BUT MAYBE WITH NOT SO LESS
6 ONEROUS PAPERWORK.

7 CHAIRMAN PENNINGTON: VERY GOOD. THANK
8 YOU.

9 ANY OTHER DISCUSSION?

10 I HAVE A SLIP FROM MR. DIXON, WHO WAS
11 PREPARED TO MAKE SOME COMMENTS IF NEEDED TO
12 CLARIFY THE PERMIT. I DON'T THINK THAT'S
13 NECESSARY, BUT IF YOU'D LIKE TO --

14 MR. DIXON: I JUST WANT TO CLARIFY ONE
15 POINT. IN DISCUSSING OUR DIVERSION GOALS OUR
16 RECYCLING ELEMENT THAT'S BEEN APPROVED BY THE BOARD,
17 OUR DIVERSION RATE IS 83 PERCENT, AND I THINK WE'RE
18 FINE AS FAR AS THE YEAR 2000 GOES.

19 CHAIRMAN PENNINGTON: FINE. YOU ARE, MR.
20 DIXON?

21 MR. DIXON: YES, I AM.

22 CHAIRMAN PENNINGTON: OKAY. VERY GOOD.
23 THANK YOU.

24 MR. JONES.

25 MEMBER JONES: I'LL MAKE A MOTION THAT WE

1 ADOPT RESOLUTION 98-342.

2 CHAIRMAN PENNINGTON: VERY GOOD.

3 MEMBER FRAZEE: SECOND.

4 CHAIRMAN PENNINGTON: IT IS MOVED BY MR.

5 JONES, SECONDED BY MR. FRAZEE, THE ADOPTION OF

6 RESOLUTION 98-342.

7 IF THERE IS NO FURTHER DISCUSSION,

8 WILL THE SECRETARY CALL THE ROLL PLEASE?

9 THE SECRETARY: BOARDMEMBER EATON?

10 MEMBER EATON: AYE.

11 THE SECRETARY: FRAZEE?

12 MEMBER FRAZEE: AYE.

13 THE SECRETARY: JONES?

14 MEMBER JONES: AYE.

15 THE SECRETARY: RHOADS?

16 MEMBER RHOADS: AYE.

17 THE SECRETARY: CHAIRMAN PENNINGTON?

18 CHAIRMAN PENNINGTON: AYE.

19 THE MOTION CARRIES.

20 WE WILL NOW MOVE ON TO ITEM NO. 5,

21 CONSIDERATION OF A NEW SOLID WASTE FACILITY

22 PERMIT FOR THE GREENWASTE RECOVERY FACILITY IN

23 SANTA CLARA COUNTY.

24 MS. NAUMAN: MR. CHAIRMAN AND MEMBERS,

25 MARY COYLE OF THE PERMITTING AND INSPECTION

1 DIVISION WILL MAKE THE PRESENTATION.

2 CHAIRMAN PENNINGTON: OKAY. THANK YOU.

3 MS. COYLE: GOOD MORNING MR. CHAIRMAN AND
4 MEMBERS.

5 THE GREENWASTE RECOVERY FACILITY IS
6 AN EXISTING RECYCLING CENTER IN THE CITY OF SAN
7 JOSE. THE APPLICANT PROPOSES WITH THE ISSUANCE
8 OF THIS PERMIT TO EXPAND THE OPERATIONS TO
9 INCLUDE RECOVERY OF MATERIALS FROM C&D DEBRIS
10 BOXES, AND TO ALLOW THE TRANSFER OF AN AVERAGE OF
11 500 TONS PER DAY OF GREEN MATERIAL TO COMPOST
12 FACILITIES WITHIN THE CITY.
13 AT THE TIME THE AGENDA ITEM WAS
14 PREPARED STAFF HAD NOT YET VERIFIED TWO OF THE
15 REQUIRED FINDINGS FOR CONCURRENCE. STAFF HAS
16 SINCE DETERMINED THAT THE PERMIT IS CONSISTENT
17 WITH THE COUNTY'S NDFE AMENDMENT APPROVED BY THE
18 BOARD ON SEPTEMBER 23, 1998. STAFF HAS ALSO
19 COMPLETED ITS REVIEW OF THE MITIGATED NEGATIVE
20 DECLARATION AND FIND IT TO BE ADEQUATE FOR OUR
21 CONSIDERATION.
22 STAFF RECOMMENDS ADOPTION OF
23 RESOLUTION 98-343, CONCURRING IN THE ISSUANCE OF
24 THE SOLID WASTE FACILITY PERMIT NO. 43-AN-0019.
25 DENNIS FARRIER AND RICHARD ARCHDEACON

1 WITH LEA, AND EVAN EDGAR REPRESENTING THE
2 OPERATOR ARE HERE TO ASSIST IN ANY QUESTIONS YOU
3 MAY HAVE.

4 CHAIRMAN PENNINGTON: OKAY. QUESTIONS OF
5 STAFF ON THIS ONE? IF NOT, I'LL ENTERTAIN A
6 MOTION.

7 MEMBER JONES: MR. CHAIRMAN?

8 CHAIRMAN PENNINGTON: YES, MR. JONES?

9 MEMBER JONES: I'LL MAKE A MOTION WE
10 ADOPT RESOLUTION 98-343.

11 CHAIRMAN PENNINGTON: VERY GOOD.

12 MEMBER FRAZEE: I'LL SECOND.

13 CHAIRMAN PENNINGTON: MR. FRAZEE SECONDS
14 THE MOTION TO ADOPT THE RESOLUTION 98-343.

15 IF THERE'S NO FURTHER DISCUSSION,

16 WILL THE SECRETARY CALL THE ROLL?

17 THE SECRETARY: BOARD MEMBER EATON?

18 MEMBER EATON: AYE.

19 THE SECRETARY: FRAZEE?

20 MEMBER FRAZEE: AYE.

21 THE SECRETARY: JONES?

22 MEMBER JONES: AYE.

23 THE SECRETARY: RHOADS?

24 MEMBER RHOADS: AYE.

25 THE SECRETARY: CHAIRMAN PENNINGTON?

1 CHAIRMAN PENNINGTON: AYE.

2 THE MOTION CARRIES.

3 WE'LL MOVE TO ITEM NO. 6, SEMI-ANNUAL

4 UPDATE AND PUBLICATION OF THE INVENTORY OF SOLID

5 WASTE FACILITIES VIOLATING STATE MINIMUM

6 STANDARDS. JULIE NAUMAN.

7 MS. NAUMAN: MR. CHAIRMAN AND MEMBERS,

8 PAUL WILLMAN WILL MAKE THE PRESENTATION. BUT I'D

9 LIKE TO JUST PROVIDE A LITTLE BIT OF AN

10 INTRODUCTION TO THIS ONE. BY SETTING IT WITHIN

11 THE FRAMEWORK OF THE BOARD'S STRATEGIC PLAN, ONE

12 OF THOSE GOALS OF THE STRATEGIC PLAN WAS TO

13 IMPROVE FACILITY COMPLIANCE.

14 AND AS YOU KNOW, SINCE JUNE WE'VE

15 BEEN WORKING WITH THE FACILITY COMPLIANCE TEAM ON

16 FIVE TARGET AREAS AND WILL ACTUALLY BE COMING TO

17 YOU IN JANUARY OF NEXT YEAR TO GIVE YOU A REPORT

18 ON THE WORK OF THE FACILITY COMPLIANCE TEAM,

19 SIMILAR TO WHAT YOU HEARD FROM THE C&D TEAM THIS

20 MORNING.

21 THERE ARE TWO GOALS, OR TWO TARGETS

22 WITHIN THAT TEAM'S WORK THAT DEAL WITH

23 COMPLIANCE. THE ONE MOST DIRECTLY RELATED TO THE

24 PRESENTATION OF THE INVENTORY TODAY IS TARGET

25 NUMBER TWO, WHICH FOCUSES ON FACILITIES WITH

1 STATE MINIMUM STANDARD COMPLIANCE ISSUES.
2 YOU SEE A SLIDE UP ON THE SCREEN
3 WHICH DEPICTS THE UNIVERSE OF ALL 520 PERMITTED
4 ACTIVE FACILITIES IN THE STATE, AND IT'S BROKEN
5 DOWN BY THE TYPE OF FACILITY TO GIVE YOU A SENSE
6 OF THE UNIVERSE OF PERMITTED FACILITIES THAT
7 WE'RE DEALING WITH.
8 THE NEXT CHART THAT WE'VE PREPARED
9 TAKES THAT AND DIRECTS THE ATTENTION AT THE
10 TARGET ON FACILITY COMPLIANCE, WHERE THOSE THAT
11 HAVE MINIMUM STANDARDS ISSUES, AND SHOWS THAT THE
12 NUMBER ON THE FACILITY INVENTORY THAT HAVE
13 VIOLATIONS TOTAL AT THE PRESENT TIME 28 OUT OF
14 THE UNIVERSE OF 520 SITES. THIS REPRESENTS ABOUT
15 FIVE PERCENT OF THE TOTAL NUMBER OF ACTIVE
16 PERMITTED SITES IN THE STATE. THE FACILITY
17 COMPLIANCE TARGET NUMBER TWO FOCUSES ON REMOVING
18 THESE FACILITIES FROM THE INVENTORY, AND
19 PARTICULARLY THOSE WITH THE LONG-TERM VIOLATIONS.
20 PAUL WILL PRESENT AN OVERVIEW OF HOW
21 THE INVENTORY PROCESS WORKS, AND THEN THE
22 RELATIONSHIP OF THE INVENTORY ITEMS AS THEY EXIST
23 AT THE PRESENT TIME, AND THE EFFORTS THROUGH THE
24 FACILITY COMPLIANCE TEAM, TARGET NUMBER TWO, THAT
25 ARE CURRENTLY UNDER WAY TO FURTHER REDUCE THE

1 NUMBER OF ITEMS THAT REMAIN ON THE INVENTORY AT
2 THIS TIME. SO WITH THAT, I'D LIKE TO TURN IT
3 OVER TO PAUL.

4 MR. WILLMAN: GOOD MORNING BOARD MEMBERS.

5 THE BOARD IS REQUIRED TO UPDATE AND
6 PUBLISH THE INVENTORY TWICE ANNUALLY PURSUANT TO
7 PRC SECTION 44104. BEFORE I GET INTO THE DETAILS
8 OF THE CURRENT UPDATE I'D JUST LIKE TO QUICKLY GO
9 OVER THE INVENTORY PROCESS ITSELF.
10 FIRST OFF, HOW DOES A FACILITY GET ON
11 THE INVENTORY? IT'S KIND OF A THREE-STEP
12 PROCESS. FIRST THE LEA DOCUMENTS VIOLATIONS OF
13 AT LEAST ONE FACILITY. THERE IS A NOTICE OF INTENT GIVEN
14 TO THE OPERATOR. THEN THAT NOTICE OF INTENT GIVES THE
15 OPERATOR 90 DAYS FROM ITS RECEIPT TO CORRECT THE
16 VIOLATION. OKAY?
17 THEN IF THE VIOLATION IS NOT
18 CORRECTED WITHIN THAT 90-DAY TIME PERIOD, AS
19 DOCUMENTED IN THE INSPECTION REPORT SUBMITTED BY
20 THE LEA, THE OPERATOR IS SENT AN INCLUSION LETTER
21 LETTING THEM KNOW THAT THEY HAVE BEEN INCLUDED IN
22 THE INVENTORY.

23 ONE THING ABOUT THE INVENTORY, I'LL
24 JUST REITERATE, IS THAT IT IS FOR STATEMENT OF
25 STANDARDS AND IT DOESN'T INCLUDE THOSE FACILITIES

1 THAT MAY HAVE PERMIT VIOLATIONS.
2 ONCE A FACILITY IS INCLUDED ON THE
3 INVENTORY, PRC 44106 DOES REQUIRE THE LEA TO
4 DEVELOP A COMPLIANCE SCHEDULE TO ENSURE THAT
5 DILIGENT PROGRESS IS MADE IN CORRECTING THE
6 VIOLATIONS.
7 ONCE THEY'RE ON THE INVENTORY AND
8 THEY HAVE A COMPLIANCE SCHEDULE HOW DO THEY GET
9 REMOVED? THE LEA HAS TO DOCUMENT CORRECTION OF
10 ALL THE VIOLATIONS FOR WHICH THEY ARE LISTED.
11 FOR EXAMPLE, SOME OF THE FACILITIES GET LISTED
12 FOR MAYBE EIGHT VIOLATIONS. WELL, THEY ALL HAVE
13 TO BE CORRECTED WITHIN A PARTICULAR MONTH. AND
14 THAT'S AT LEAST ONE SINGLE MONTHLY INSPECTION.
15 AND WE LEAVE IT UP TO THE LEA, IF THEY WANT TO
16 SEE TWO OR THREE MONTHS OF COMPLIANCE IN A ROW,
17 SOMETIMES THEY LIKE THAT FOR GAS VIOLATIONS TO
18 MAKE SURE THAT IT'S UNDER CONTROL. SO SOMETIMES
19 IT'LL BE TWO OR THREE MONTHS.
20 AS FAR AS THE DETAILS ON THE CURRENT
21 UPDATE AND PUBLICATION, THIS FIRST CHART HERE
22 SHOWS THAT IN MARCH OF '98, WHICH WAS THE LAST
23 UPDATE OF COURSE, THERE WERE 30 FACILITIES ON THE
24 INVENTORY. SEVEN HAVE COMPLETELY CORRECTED ALL
25 THEIR VIOLATIONS FROM THAT POINT, SO WE'VE

1 REMOVED THOSE, HOWEVER, FIVE HAVE BEEN ADDED, SO
2 WE HAVE A CURRENT TOTAL OF 28 RIGHT NOW.
3 ONE OF THE STRATEGIES THAT THE BOARD
4 IS COMMITTED TO, IN ORDER TO ENSURE COMPLIANCE
5 WITH THE WASTE MANAGEMENT STATUTES AND
6 REGULATIONS, IS TO REDUCE THE NUMBER OF
7 FACILITIES ON THE INVENTORY FOR NON-LANDFILL GAS-
8 RELATED VIOLATIONS -- THAT WOULD BE, YOU KNOW,
9 COVER AND ALL THE OTHER STANDARDS, OF COURSE --
10 BY 25 PERCENT BY THE YEAR 2001. AND THAT WAS
11 FROM JANUARY '97 LEVELS.
12 AND YOU CAN SEE ON THAT CHART, IN
13 JANUARY OF '97 THERE WERE 26 FACILITIES ON THE
14 INVENTORY FOR NON-LANDFILL GAS-RELATED
15 VIOLATIONS. THAT NOW STANDS AT NINE ON THIS
16 CURRENT UPDATE. SO THERE HAS BEEN A 65 PERCENT
17 REDUCTION IN THAT CATEGORY.
18 THE PERMITTING ENFORCEMENT DIVISION'S
19 FACILITY COMPLIANCE TEAM HAS MADE A COMMITMENT TO
20 -- WHICH IS EMBODIED IN TARGET NUMBER TWO THAT
21 JULIE MENTIONED -- TO FOCUS RESOURCES ON
22 CORRECTING LONG-TERM VIOLATIONS AT FACILITIES ON
23 THE INVENTORY. AND WE DEFINE A LONG-TERM
24 VIOLATION AS IF YOU'VE BEEN ON THE INVENTORY FOR
25 AT LEAST TWO ITERATIONS IN A ROW, THEN YOU'VE GOT

1 A LONG-TERM VIOLATION.
2 IN JUNE STAFF DID IDENTIFY 25
3 FACILITIES ON THE INVENTORY WITH LONG-TERM
4 VIOLATIONS. AND WE ENDED UP TAKING A LOOK AT THE
5 OPERATOR'S PROGRESS AND THE LEA'S ENFORCEMENT
6 ACTIONS TO SEE IF WE COULD TARGET SOME OF THEM
7 FOR TECHNICAL ASSISTANCE, OR IMPLEMENTATION OF
8 THE STATE OVERSIGHT RULE PROCEDURES.
9 THEY ENDED UP TARGETING FOUR
10 FACILITIES, INCLUDING LONE PINE, SHOSHONE, AND
11 TACOPA LANDFILLS, WHICH ARE ALL IN INYO COUNTY,
12 AND THEN THE WOODVILLE LANDFILL IN TULARE
13 COUNTY. SHOSHONE AND WOODVILLE HAVE SHOWN
14 SIGNIFICANT PROGRESS OVER THE LAST THREE MONTHS.
15 SHOSHONE HAS CORRECTED EIGHT OF THE
16 NINE VIOLATIONS FOR WHICH THEY WERE INCLUDED ON
17 THE INVENTORY, ONLY LITTER REMAINS.
18 AS FAR AS WOODVILLE, AT THE TIME WE
19 TARGETED THIS SITE IT APPEARED THAT THE OPERATOR
20 WAS NOT MAKING MUCH PROGRESS, AND THEY DID END UP
21 MISSING A JULY 1ST DEADLINE FOR INSTALLING A GAS
22 EXTRACTION SYSTEM. BUT, IN SEPTEMBER THEY ENDED
23 UP FINALIZING AND COMPLETING THE INSTALLATION OF
24 THE SYSTEM AND IT LOOKS LIKE THEY'RE BACK ON
25 TRACK.

1 AS FAR AS THE TACOPA LANDFILL, THEY
2 STILL HAVE SEVEN VIOLATIONS. AND ALTHOUGH THEIR
3 NOTICE AND ORDER CALLS FOR COMPLIANCE IN MAY OF
4 1999 -- SO THAT DATE HASN'T COME AND GONE YET --
5 THAT NOTICE AND ORDER REALLY DOESN'T HAVE ANY
6 DETAILS ON HOW THEY'RE GOING TO GET THERE, HOW
7 THEY'RE GOING TO CORRECT ALL THOSE SEVEN
8 VIOLATIONS. SO, BOARD STAFF IS GOING TO BE
9 SENDING A LETTER TO THE LEA REQUIRING A DETAILED
10 PLAN ON HOW EXACTLY THEY'RE GOING TO MAKE SURE
11 THOSE VIOLATIONS ARE CORRECTED.
12 AS FAR AS THE LONE PINE LANDFILL,
13 BOARD STAFF IS DOING AN INSPECTION TOMORROW
14 ACTUALLY. AND THE COUNTY IS SUPPOSED TO BE
15 GETTING A SCRAPER EITHER THIS WEEK OR NEXT WEEK,
16 AND THEY'RE GOING TO START AT LONE PINE AND THEN
17 WORK THEIR WAY NORTH TO SOME OF THE OTHER SITES
18 THAT HAVE CHRONIC VIOLATIONS, BISHOP BEING ONE
19 OF THEM, TO CORRECT THE DAILY AND INTERMEDIATE
20 COVER PROBLEMS AND THINGS LIKE THAT. SO THAT WAS
21 GOOD, THEY'RE PROGRESSING THERE. WE'RE GOING TO
22 FOLLOW UP NEXT MONTH ACTUALLY AND DO ANOTHER
23 INSPECTION OF THAT SITE, JUST TO SEE -- MAKE SURE
24 THAT THEY ARE CORRECTING THE VIOLATIONS.
25 AS FAR AS THE NUMBERS GO FOR SITES ON

1 THE INVENTORY WITH LONG-TERM VIOLATIONS, AS I
2 MENTIONED BEFORE, WE STARTED OUT WITH 25 IN JUNE
3 OF '98, WE IDENTIFIED 25. FIVE HAVE BEEN REMOVED
4 SINCE THEN. HOWEVER, THREE WERE ADDED FOR THIS
5 UPDATE OF THE INVENTORY. SO CURRENTLY WE HAVE 23
6 WITH LONG-TERM VIOLATIONS. THE GOOD NEWS IS,
7 PROJECTED OUT TO THE NEXT UPDATE OF THE
8 INVENTORY, AROUND MARCH OF '99, IT LOOKS LIKE
9 APPROXIMATELY 15 OF THESE 23 SHOULD BE CORRECTED
10 BY THEN. SO WE'VE GOT A BIG, YOU KNOW, BLIP ON
11 THE SCREEN OF FACILITIES THAT ARE DILIGENTLY
12 WORKING TOWARD GETTING THE PROBLEMS CORRECTED.
13 AND THAT'S GOOD TO SEE, BECAUSE A LOT OF THEM
14 HAVE BEEN ON THERE FOR A YEAR AND A HALF TO TWO
15 YEARS.
16 SO, THAT CONCLUDES MY PRESENTATION.
17 IF YOU HAVE ANY QUESTIONS I'LL BE GLAD TO ANSWER
18 THEM.

19 CHAIRMAN PENNINGTON: QUESTIONS? MR.
20 FRAZEE.

21 MEMBER FRAZEE: JUST ONE KEY POINT, I
22 THINK IS THE NUMBER -- I DON'T BELIEVE YOU STATED
23 THIS -- THE NUMBER OF THESE THAT ARE ONLY GAS
24 VIOLATIONS OF THE 20.

25 MR. WILLMAN: OKAY. YOU WANT ME TO TALK

1 ABOUT THE-

MEMBER FRAZEE: WELL, JUST --

3 MR. WILLMAN: -- ONES THAT ARE GAS, OR...?

4 MEMBER FRAZEE: YEAH. WELL, JUST A
5 BREAKDOWN ON THE NUMBERS.

6 MR. WILLMAN: OKAY. YEAH, THERE'S
7 CURRENTLY, OF THE -- OKAY, NOW LET'S FOCUS BACK
8 ON THE INVENTORY ITSELF, NOT JUST LONG-TERM
9 VIOLATIONS, THE INVENTORY ITSELF.

10 MEMBER FRAZEE: YEAH. YEAH.

11 MR. WILLMAN: WE'VE GOT 28 ON THE
12 INVENTORY, 19 OF THOSE ARE FOR LANDFILL GAS.
13 OKAY?

14 MEMBER FRAZEE: YEAH, THAT'S --

15 MR. WILLMAN: AND NINE NON-LANDFILL GAS,
16 OBVIOUSLY.

17 AND AS FAR AS WHAT'S GOING ON THERE,
18 EIGHT OF THOSE HAVE ALREADY INSTALLED OR BEGUN
19 OPERATING A GAS EXTRACTION SYSTEM, AND ARE MAKING
20 FINAL ADJUSTMENTS TO BRING THOSE LEVELS DOWN
21 BELOW FIVE PERCENT.

22 AND THEN ANOTHER SITE HAS PURCHASED
23 LAND ADJACENT TO IT ALREADY AND IS IN THE PROCESS
24 OF INCORPORATING IT INTO A REVISED PERMIT. OKAY?

25

1 AND THEN THAT LEAVES 10 OTHER ONES.
2 SIX OF THEM ARE IN THE PROCESS OF INSTALLING A
3 SYSTEM OR PURCHASING LAND. THERE ARE FOUR OUT OF
4 THE 19 THAT ARE ACTUALLY IN THE DEVELOPMENT OF A
5 REMEDIATION PLAN AT THIS POINT. THEY HAVEN'T
6 REALLY STARTED IMPLEMENTING ANYTHING YET.

7 CHAIRMAN PENNINGTON: VERY GOOD. ANY
8 OTHER QUESTIONS?

9 MEMBER JONES: JUST BRIEFLY, GOOD JOB TO
10 P&I. I MEAN, THIS IS VERY IMPRESSIVE FROM
11 WHERE YOU STARTED TO WHERE YOU'RE GOING. I MEAN,
12 THIS IS DEFINITELY ON TRACK.

13 CHAIRMAN PENNINGTON: ABSOLUTELY, MY
14 SENTIMENTS --

15 MR. WILLMAN: THANKS. A LOT OF HARD WORK
16 BY THE LEAS, OPERATORS, AND EVERYBODY.

17 CHAIRMAN PENNINGTON: MY SENTIMENTS AS
18 WELL. I THINK AN EXCELLENT JOB, AND WE'RE
19 CERTAINLY MOVING IN THE RIGHT DIRECTION AND
20 APPROACHING IT CORRECTLY. SO, THANK YOU.

21 WE'LL NOW MOVE ON TO ITEM NO. 8,
22 WHICH IS CONSIDERATION AND APPROVAL OF A
23 MEMORANDUM OF UNDERSTANDING WITH THE DIVISION OF
24 OCCUPATIONAL SAFETY AND HEALTH. JULIE NAUMAN.

25 MS. NAUMAN: WELL, THIS FALLS UNDER

1 THE P&E AREA ON THE AGENDA. ACTUALLY, ELLIOTT
2 HAS BEEN THE LEAD ON THIS ITEM FROM ITS
3 INCEPTION, SO I WILL LET HIM MAKE THE
4 PRESENTATION.

5 CHAIRMAN PENNINGTON: MR. BLOCK.

6 MR. BLOCK: THANK YOU. GOOD MORNING
7 AGAIN, ELLIOTT BLOCK FROM THE LEGAL OFFICE, BACK
8 AGAIN TO TALK ABOUT THE MOU WITH CAL OSHA.
9 JUST BRIEFLY, TO SET CONTEXT, EARLIER
10 THIS YEAR THE BOARD DIRECTED STAFF TO WORK ON AN
11 MOU WITH THE DEPARTMENT OF OCCUPATIONAL SAFETY
12 AND HEALTH THAT WOULD SUPPORT THE DIVISION OF THE
13 TRANSFER PROCESSING REGS, THE DIVISION OF
14 JURISDICTION BETWEEN THOSE TWO AGENCIES, AND TO
15 PROVIDE A REFERRAL PROCEDURE. AND THAT'S THE MOU
16 YOU ADOPTED LAST MONTH AT THE SANTA BARBARA BOARD
17 MEETING.

18 AS WE WERE WORKING ON THAT MOU A
19 NUMBER OF LEAS COMMENTED THAT THEY WANTED THE
20 FLEXIBILITY OR THE ABILITY TO POTENTIALLY DO
21 MORE. EVEN IF NOT ALL LEAS WANTED SOME
22 DELEGATION OF AUTHORITY TO DEAL WITH SOME HEALTH
23 AND SAFETIES, THEY WANTED SOME FLEXIBILITY SO THE
24 INDIVIDUAL LEAS COULD DO THAT. SOME LEAS
25 INDICATED THEY WERE NOT INTERESTED AT ALL, AND SO

1 WE STARTED WORKING ON WHETHER OR NOT WE COULD
2 COME UP WITH AN MOU THAT WOULD ALLOW FOR SOME
3 FLEXIBILITY ALONG THOSE LINES.

4 AND MOU ALTERNATIVE TWO, WHICH IS AN
5 ATTACHMENT TO YOUR AGENDA ITEM AND WAS ALSO AN
6 ATTACHMENT TO THE AGENDA ITEM IN THE SANTA
7 BARBARA MEETING, WAS DESIGNED TO PROVIDE THAT
8 FLEXIBILITY.

9 AT THAT MEETING YOU DECIDED TO DIRECT
10 US TO DO A LITTLE BIT MORE DISCUSSION WITH THE
11 INTERESTED PARTIES, TO FLESH OUT SOME ISSUES THAT
12 WERE STILL LEFT. WENT AHEAD AND MAILED OUT
13 COPIES TO -- WE HAD BEEN WORKING WITH A WORKING
14 GROUP WHICH HAD SOME LEA MEMBERS AND SOME
15 INDUSTRY REPRESENTATIVES. WE WENT AHEAD LAST
16 MONTH AND MAILED OUT COPIES OF BOTH OF THOSE
17 ALTERNATIVES TO ALL THE LEAS, SO WE MADE SURE
18 THEY ALL HAD AN OPPORTUNITY TO LOOK AT THIS,
19 REQUESTING COMMENTS AND INVITING THEM TO A
20 WORKSHOP WHICH WAS HELD LAST WEEK, ON OCTOBER
21 15TH.

22 WE RECEIVED SOME COMMENTS FROM A
23 COUPLE OF LEAS THAT ATTENDED THAT MEETING, AND
24 ALSO I GOT SOME COMMENTS BY E-MAIL AND BY FAX.
25 AND BASED ON THE INFORMATION THAT I GOT, I HAVE

1 GONE AHEAD AND MADE A COUPLE OF ADDITIONAL
2 REVISIONS TO ALTERNATIVE TWO FROM THE VERSION
3 THAT YOU HAD EARLIER SEEN, AND THOSE ARE
4 CONTAINED IN ADDENDUM TWO.
5 I SHOULD MENTION COPIES OF ALL THESE
6 DOCUMENTS ARE ON THE BACK TABLE IF FOLKS DON'T
7 HAVE THOSE.
8 THOSE REVISIONS ARE NOT SUBSTANTIVE
9 IN THE SENSE THAT THEY AFFECT THE BASIC
10 PROVISIONS THAT WE HAD TALKED ABOUT ORIGINALLY IN
11 ALTERNATIVE TWO, BUT THERE IS SOME CLARIFICATION
12 AND MODIFICATION OF THOSE.
13 I MODIFIED SOME OF THE LANGUAGE
14 REGARDING HOW THE ENTIRE ENFORCEMENT ASSISTANT
15 PROCESS BEGINS SO THAT IT MATCHED MORE CLOSELY
16 THE LABOR CODE SECTION, JUST USING SOME OF THE
17 SAME WORDS.
18 THERE HAD BEEN AN ISSUE—AND WHICH
19 I'LL TALK ABOUT IN A LITTLE BIT MORE DETAIL IN A
20 MOMENT -- ABOUT WHAT THESE POTENTIAL VIOLATIONS
21 WOULD BE CALLED IF AN LEA WERE GOING TO NOTE THEM
22 ON AN INSPECTION REPORT. IN ADDENDUM TWO WHAT
23 I'VE BROUGHT BEFORE YOU TODAY AS A RECOMMENDATION
24 RIGHT NOW IS THE USE OF THE TERM "POSSIBLE
25 VIOLATION," AND I'LL GIVE YOU A LITTLE BIT MORE

1 DETAIL ON THAT IN A MINUTE.
2 AT THE SAME TIME, THOUGH, THERE WERE
3 SOME OTHER REFERENCES TO THE WORD "VIOLATION" IN
4 THAT PROCEDURE. AND WE HAVE REMOVED THOSE AND
5 USED SOME OTHER TERMS JUST TO AGAIN CLARIFY THAT
6 AN LEA WOULD NOT BE MAKING A DETERMINATION OF
7 WHETHER TITLE 8 WAS VIOLATED, BUT WOULD JUST BE
8 INDICATING THAT THERE, IN ESSENCE, WAS A PROBLEM.
9 BUT CLEARLY SAYING THIS IS DEPARTMENT OF
10 OCCUPATIONAL SAFETY AND HEALTH'S DECISION TO
11 MAKE. CLEARLY INDICATING THAT THAT KIND OF A
12 NOTATION IS NOT A VIOLATION OF TITLE 14, IT'S NOT
13 SOMETHING THAT'S SUBJECT TO THE AB-59 APPEAL
14 PROCESS. AND THOSE ARE, OF COURSE, SOME OF THE
15 ISSUES THAT HAD BEEN RAISED ABOUT USING THAT
16 PHRASE.
17 AND THEN ALSO THERE HAD BEEN SOME
18 DISCUSSION -- AT THE LAST MEETING I HAD INDICATED
19 AS TO WHETHER OR NOT THE REFERRAL PROCEDURE
20 SHOULD GO ONLY TO THE EXTENT OF DEALING WITH AN
21 INSPECTION REPORT, OR WHETHER LEA SHOULD BE ABLE
22 TO POTENTIALLY USE A NOTICE AND ORDER. AND
23 THERE WAS NO CONCERN ALONG THOSE LINES, SO WE
24 DIDN'T ADD ANY PROVISIONS REGARDING THAT.
25 IN TERMS OF THE ISSUE OF HOW THESE

1 CONCERNS WOULD BE NOTED ON AN INSPECTION REPORT,
2 AS I'VE INDICATED, AT THIS POINT I'M RECOMMENDING
3 THE TERM "POSSIBLE VIOLATION." JUST TO GIVE YOU
4 THE GAMUT, THE OTHER TERMS THAT HAD BEEN RAISED
5 AS POSSIBLE NOTATIONS WERE "POTENTIAL HAZARD,"
6 "REFERABLE CONDITION," AND "COMPLIANCE
7 DEFICIENCY." FROM A REGULATORY POINT OF VIEW
8 NONE OF THESE CHANGED THE SUBSTANCE OF WHAT THE
9 DESIGNATION WOULD MEAN, BUT THERE'S SOME
10 SENSITIVITY OVER CERTAIN WORDS.
11 AT THIS POINT MY RECOMMENDATION OF
12 "POSSIBLE VIOLATION" IS SIMPLY BASED ON THE FACT
13 THAT THAT TERM, STANDING ALONE, PEOPLE KNOW WHAT
14 IT MEANS WITHOUT NEEDING ANY OTHER CONTEXT.
15 WHEREAS, SOME OF THESE OTHER TERMS ARE NOT QUITE
16 AS TO THE POINT, IF YOU WILL. SO, OBVIOUSLY
17 THAT'S AN ISSUE THAT I'M RAISING IN THAT LEVEL OF
18 DETAIL, BECAUSE THAT'S SOMETHING THE BOARD CAN
19 OBVIOUSLY GIVE ME DIRECTION AS TO WHAT TERM YOU
20 WOULD WANT ME TO USE.
21 IN TERMS OF THE INPUT THAT I DID
22 RECEIVE IN THE COURSE OF THE LAST MONTH, I WILL
23 SAY THAT WHILE I DID HEAR LOTS OF THINGS SECOND
24 AND THIRDHAND -- THERE WERE A FAIRLY LIMITED
25 NUMBER OF PEOPLE THAT ACTUALLY COMMENTED DIRECTLY

1 TO ME REGARDING MOU ALTERNATIVE TWO.
2 THREE LEAS DEFINITELY INDICATED THEY
3 SUPPORT ALTERNATIVE TWO. ONE LEA SUPPORTS
4 ALTERNATIVE TWO BUT -- AGAIN, GOING TO THAT ISSUE
5 -- PREFERRED THIS TERM "REFERABLE CONDITION" AS
6 OPPOSED TO "POSSIBLE VIOLATION." I HAD ANOTHER
7 LEA THAT INDICATED THAT HE SUPPORTED ALTERNATIVE
8 TWO BUT WAS NOT SURE THAT IT WAS NECESSARY, HE
9 THOUGHT THE REFERRAL PROCESS INITIALLY THAT'S IN
10 THE MOU YOU'VE ALREADY ADOPTED WAS SUFFICIENT.
11 ONE LEA DID INDICATE THAT HE DID NOT
12 SUPPORT ALTERNATIVE TWO, ALTHOUGH HE ALSO
13 INDICATED THE REASON WAS HE WANTED THE ABILITY TO
14 BE FREE TO ENTER INTO HIS OWN MOU DIRECTLY WITH
15 DEPARTMENT OF OCCUPATIONAL SAFETY AND HEALTH.
16 AND I WILL LET YOU KNOW, THERE'S NOTHING IN THE
17 DOCUMENT ACTUALLY THAT'S BEFORE YOU THAT WOULD
18 PREVENT THAT FROM OCCURRING. BUT, THAT WAS WHAT
19 HE HAD IDENTIFIED AS THE REASON.
20 ONE INDUSTRY REPRESENTATIVE WHO -- I
21 ACTUALLY GOT A VOICE MAIL FROM HIM WHEN I CHECKED
22 ON THE BREAK, WHO WANTED TO BE HERE BUT I DON'T
23 THINK IS GOING TO BE ABLE TO MAKE IT HERE TODAY -
24 - IS GENERALLY SUPPORTIVE OF ALTERNATIVE TWO.
25 AGAIN, IS NOT SURE THAT IT'S NECESSARY, BUT IS

1 DEFINITELY CONCERNED ABOUT THE USE OF THE TERM
2 "POSSIBLE VIOLATION." SO, I DID COMMIT THAT I
3 WOULD MAKE SURE THAT I WOULD FORWARD THAT COMMENT
4 TO YOU.
5 THE CONCERN, OF COURSE, BEING THAT
6 JUST ANYTIME THAT YOU USE -- THAT WORD
7 "VIOLATION" IS USED, EVEN THOUGH "POSSIBLE" IS A
8 QUALIFIER ON THE FRONT OF IT, THAT THAT HAS
9 CONNOTATIONS AND THEY'RE CONCERNED ABOUT THAT.
10 SINCE, AGAIN, THESE ARE CAL OSHA ISSUES, NOT LEA
11 ISSUES THE WAY THE REGULATIONS HAVE BEEN REVISED.
12 AND, AS I SAID, THERE ARE I THINK A
13 NUMBER OF OTHER LEAS AND OPERATORS OUT THERE THAT
14 MAY HAVE OPINIONS, BUT I REALLY CAN'T TELL YOU
15 WHAT THOSE ARE BECAUSE I'M HEARING THEM SECOND OR
16 THIRDHAND, THEY'RE NOT NECESSARILY -- WELL,
17 CERTAINLY HAVEN'T BEEN PUT INTO WRITING OR MADE
18 VERY SPECIFIC ABOUT THAT.
19 SO, I DON'T KNOW IF YOU'VE GOT SOME
20 SPEAKER SLIPS TODAY -- I KNOW THERE'S A COUPLE OF
21 LEAS IN THE AUDIENCE -- WHETHER SOME OTHER FOLKS
22 WERE WAITING TILL TODAY TO SPEAK OR NOT.
23 BUT I JUST WANTED TO BE CLEAR THAT I
24 -- I, UNFORTUNATELY, BY NO MEANS CAN TELL YOU
25 THAT I'VE POLLED EVERY SINGLE PERSON THAT'S

1 INTERESTED AND, YOU KNOW, THIS IS THE BREAKDOWN
2 OF WHAT THEIR FEELINGS ARE.
3 SO, JUST TO FINISH UP. IN TERMS OF
4 STAFF RECOMMENDATION, THERE'S REALLY TWO ISSUES
5 BEFORE YOU TODAY. WHETHER OR NOT TO ADOPT
6 ALTERNATIVE TWO AT ALL IS, OF COURSE, ONE OPTION
7 THAT'S THERE. ALTERNATIVE ONE, THE MOU THAT YOU
8 ADOPTED LAST MONTH, WAS WHAT YOU HAD DIRECTED
9 STAFF TO WORK ON INITIALLY. AND, AGAIN,
10 ALTERNATIVE TWO GREW OUT OF TRYING TO BE
11 RESPONSIVE TO SOME ADDITIONAL COMMENTS WE GOT.
12 AND THEN, OF COURSE, IF YOU WERE TO
13 DECIDE THAT YOU WANTED TO USE ALTERNATIVE TWO,
14 WHETHER OR NOT THE LANGUAGE THAT'S PROPOSED IS
15 APPROPRIATE OR NOT, OR WHETHER YOU WANTED SOME
16 MODIFICATIONS TO THAT. AND OBVIOUSLY, I'M
17 CLEARLY TALKING ABOUT THAT DESIGNATION OF
18 "POSSIBLE VIOLATION" VERSUS "REFERABLE
19 CONDITION." BUT YOU ARE, OF COURSE, FREE TO
20 DIRECT US TO MODIFY ANY OTHER LANGUAGE IF YOU
21 WOULD LIKE.
22 AT THIS POINT MY RECOMMENDATION IS TO
23 GO AHEAD AND ADOPT ALTERNATIVE TWO WITH THE
24 REVISIONS THAT ARE INCLUDED IN THE ADDENDUM. I
25 BELIEVE THAT IT'S BEEN DRAFTED TO ALLOW FOR THE

1 MAXIMUM FLEXIBILITY, AND I HAVE TRIED TO INCLUDE
2 PROVISIONS IN THERE THAT MINIMIZE, IF NOT TOTALLY
3 ELIMINATE, ANY POTENTIAL NEGATIVES THAT HAVE BEEN
4 RAISED ABOUT HOW THIS PROCESS MIGHT WORK.
5 AND WITH THAT, MY PRESENTATION IS
6 DONE. I DON'T KNOW IF YOU HAVE ANY QUESTIONS
7 OR...?

8 CHAIRMAN PENNINGTON: QUESTIONS OF MR.
9 BLOCK? MR. FRAZEE.

10 MEMBER FRAZEE: WHAT WERE THE OTHER TWO
11 SUGGESTIONS OTHER THAN "POSSIBLE VIOLATION" AND
12 "REFERABLE CONDITION"? WHAT WERE...?

13 MR. BLOCK: THEY WERE "POTENTIAL HAZARD"
14 AND "COMPLIANCE DEFICIENCY."

15 OH, AND I WILL SAY, ACTUALLY, THE --
16 I DIDN'T MENTION THAT BEFORE. THE INDUSTRY
17 REPRESENTATIVE WHO WAS CONCERNED ABOUT "POSSIBLE
18 VIOLATION" -- "REFERABLE CONDITION" WAS ACTUALLY
19 A SUGGESTION FROM AN LEA. AND AN INDUSTRY
20 REPRESENTATIVE INDICATED THAT HE WOULD BE OKAY
21 WITH THAT TERM, AS WELL. BUT I DO HAVE SOME LEAS
22 THAT SPECIFICALLY LIKED THE TERM, OR PREFERRED
23 THE TERM "POSSIBLE VIOLATION," THEY FELT IT WAS
24 MORE DIRECT AND TO THE POINT.

25 50, IT'S A DIFFICULT IS SUE FOR ME TO

1 TALK A LOT ABOUT, BECAUSE FROM A LEGAL POINT OF
2 VIEW THERE'S NOT A SIGNIFICANT DIFFERENCE IN
3 TERMS OF WHAT THESE TERMS MEAN. BUT THERE IS
4 OBVIOUSLY FEELINGS ABOUT THE CONNOTATIONS OF
5 THOSE DIFFERENT TERMS, AND THAT'S REALLY SORT OF
6 A JUDGMENT CALL.

7 AGAIN, I PICKED "POSSIBLE VIOLATION"
8 SIMPLY BECAUSE I THOUGHT IT WAS THE MOST DIRECT
9 AND TO THE POINT, BUT YOU ULTIMATELY GET TO
10 DECIDE.

11 CHAIRMAN PENNINGTON: YES, GO AHEAD.

12 MEMBER JONES: WELL, YOU KNOW, I KNOW WE
13 HAVE A SPEAKER. BUT ALTERNATIVE ONE, I THINK
14 LEAS HAVE THAT OPPORTUNITY TO MAKE A DIRECT
15 REFERRAL TO OSHA.

16 I THINK THAT ONE OF THE THINGS THAT
17 THIS BOARD'S GOT TO BE VERY AWARE OF IS THAT
18 THERE ARE TIMES DURING LABOR NEGOTIATIONS, DURING
19 CONTRACT DISPUTES, DURING JUST THE NORMAL COURSE
20 OF BUSINESS, PERSONNEL ISSUES, WHERE OSHA GETS
21 CALLED. GETS CALLED WITH 28 POTENTIAL PROBLEMS
22 ON A PIECE OF EQUIPMENT AT A LANDFILL. AND YOU
23 GO OUT AND YOU LOOK AT THOSE PROBLEMS, AND
24 THERE'RE SURFACE CRACKS IN EXTERIOR STEEL THAT
25 ARE COSMETIC IN NATURE. BUT YOU HAVE TO KNOW

1 WHAT YOU'RE LOOKING FOR WHEN YOU'RE LOOKING FOR
2 THOSE THINGS. BECAUSE YOU DON'T WANT YOUR PEOPLE
3 OPERATING IN AN UNSAFE CONDITION.
4 BUT, WHEN YOU START TALKING ABOUT
5 POSSIBLE VIOLATIONS, AND YOU GO TO AN LEA TO COME
6 IN AND INSPECT A PIECE OF EQUIPMENT OR SOMETHING
7 LIKE THAT, THAT THEY'RE NOT AWARE OF, THE PERSON
8 THAT IS PRESENTING THEIR CASE IS ALL THAT THAT
9 PERSON CAN BASE IT ON. WHEN OSHA COMES IN THAT
10 EMPLOYEE HAS THE SAME RIGHT AND OBLIGATION TO
11 TELL OSHA WHAT THE PROBLEM IS, BUT THEY'VE WORKED
12 WITH THE ISSUE. THEY'VE SEEN IT, AND THEY --
13 THERE IS A WHOLE DIFFERENT PROCESS INVOLVED.
14 AND I AM TALKING ABOUT A SPECIFIC
15 CASE WHERE I HAVE AN EMPLOYEE IN HUMBOLDT COUNTY
16 WHO IS VERY UPSET, AND FOUND ALL THESE CRACKS ON
17 A PIECE OF EQUIPMENT, AND I WENT UP AND LOOKED AT
18 IT. AND THERE, IN FACT, WAS ONE THAT WAS A
19 PROBLEM. I MEAN, IT WASN'T LIFE-THREATENING, BUT
20 THERE WAS ONE. SO WE BROUGHT IT OFF AND WE FIXED
21 IT.
22 BUT THE LEA WAS VERY CONCERNED THAT
23 WE'RE NOT OPERATING ACCURATELY. WHAT ARE YOU
24 BASING THAT ON? HIS COMPLAINT THAT THERE'S 18
25 SURFACE CRACKS? NOBODY IN THEIR RIGHT MIND WANTS

1 TO OPERATE WHERE YOU PUT YOUR EMPLOYEES AT RISK.

2 BUT I THINK THAT WE HAVE A REAL IS SUE

3 HERE, BECAUSE PART OF THE LANGUAGE IN FIVE B

4 AND C IS THAT IT'S NOTED. AND THEN IF THE

5 LEA FEELS THAT COMPLIANCE HAS BEEN TAKEN CARE OF

6 BY THE OWNER/OPERATOR, THEN THEY DON'T HAVE TO

7 REFER IT TO OSHA.

8 SO, I WANT YOU TO THINK ABOUT THAT

9 FOR A SECOND, AND THINK ABOUT IT -- WHEN WE WERE

10 TALKING ABOUT TRANSFER STATION REGS, AN LEA THAT

11 WANTED TO MAKE SURE THAT HE COULD CHECK TO MAKE

12 SURE THERE WAS TOILET PAPER IN THE REST ROOM

13 FACILITIES AT ANY GIVEN TIME. AND THEN

14 UNDERSTAND JUST EXACTLY WHAT WE'RE BEING ASKED TO

15 DO HERE.

16 BECAUSE I CAN'T SUPPORT THIS. I

17 THINK ALTERNATIVE ONE IS -- LET'S AN LEA GET TO

18 OSHA RIGHT AWAY, AND THEY WILL RESPOND WITHIN

19 THREE DAYS. AND THAT'S CRITICAL, BECAUSE YOU

20 DON'T WANT TO PRECLUDE THE EMPLOYEES FROM HAVING

21 EVERY ADVANTAGE YOU CAN ON A HEALTH AND SAFETY

22 ISSUE.

23 BUT I'M TELLING YOU, WHEN YOU GO

24 THROUGH LABOR RELATIONS AND YOU GO THROUGH

25 CONTRACT SQUABBLES, OSHA IS A TOOL THAT IS USED.

1 AND YOU NEED TO BE AWARE OF THAT. BECAUSE IT
2 WILL COME BACK AND PUT LEVERAGE WHERE IT DOESN'T
3 BELONG. AND, IN FACT, THE EMPLOYEES' HEALTH AND
4 SAFETY WON'T BE PROTECTED, IT'LL PROBABLY BE
5 DIMINISHED AT SOME POINT.

6 SO, I JUST HAVE GOT A REAL PROBLEM
7 WITH -- UNLESS THEY GET LICENSED -- AND I DON'T
8 HAVE ANY PROBLEM WITH THEM GOING THROUGH AND
9 BECOMING AN OSHA INSPECTOR AND GETTING CERTIFIED
10 TO CARRY THAT ON -- THEY'VE GOT EVERY RIGHT IN
11 THE WORLD TO DO IT. BUT NOT BASED ON AN REHS
12 ISSUE.

13 MR. BLOCK: AND NOT TO DIMINISH THAT
14 COMMENT, BECAUSE THAT'S A VALID COMMENT. I DID
15 WANT TO MAKE SURE THAT IT WAS CLEAR WE DO HAVE A
16 PROVISION FOR DOSH TO PROVIDE SOME TRAINING. BUT
17 IT'S OBVIOUSLY LEFT OPEN IN TERMS OF WHAT THE
18 LEVEL OF THAT IS.

19 CHAIRMAN PENNINGTON: OKAY. DENISE
20 DELAMATIER.

21 MS. DELAMATIER: MR. CHAIRMAN, AND
22 MEMBERS OF THE BOARD, DENISE DELAMATIER WITH THE
23 GROUP ON BEHALF OF NORCAL WASTE SYSTEMS.

24 I HAVE A FEELING THAT INDUSTRY PERSON
25 THAT LEFT THE VOICE MAIL MESSAGE MIGHT HAVE BEEN

1 LARRY SWEETZER, WHO UNFORTUNATELY IS NOT ABLE TO
2 BE HERE AT THIS MOMENT, ALTHOUGH I AM EXPECTING
3 HIM TO ARRIVE SHORTLY. AND IF THAT OCCURS, MAYBE
4 WE COULD AFFORD HIM THE OPPORTUNITY TO ADDRESS
5 THE BOARD ON THIS ISSUE.

6 MY CONVERSATION WITH MR. SWEETZER
7 THIS MORNING DIRECTLY WAS THAT NORCAL STRONGLY
8 PREFERS THE TERM "REFERABLE CONDITION" AS OPPOSED
9 TO "POSSIBLE VIOLATION." AND THAT MR. SWEETZER,
10 IN FACT, HAD A DISCUSSION WITH MR. HANSON
11 REPRESENTING L.A. COUNTY, AND IT WAS HIS
12 RECOMMENDATION, AS FAR AS THE PROPOSED TERM
13 "REFERABLE CONDITION," SO BOTH NORCAL AND L.A.
14 COUNTY, ACCORDING TO MR. SWEETZER -- I HAVE NOT
15 HAD THAT CONVERSATION DIRECTLY WITH MR. HANSON --
16 BUT, ACCORDING TO MR. SWEETZER, BOTH MR. HANSON
17 AND MR. SWEETZER CONCURRED THAT THE PREFERRED
18 TERMINOLOGY WOULD BE "REFERABLE CONDITION."
19 AND BASICALLY, I THINK MR. JONES'
20 COMMENTS PROVIDE THE BACKGROUND FOR PROPOSING
21 THAT ALTERNATIVE REFERENCE TO "REFERABLE
22 CONDITION." HAVING THE LEA MAKE A DETERMINATION
23 BASED UPON POTENTIAL VIOLATION HAS THE ONEROUS
24 CONNOTATION THAT CAN BE USED AND ABUSED IN
25 POTENTIAL OTHER SIDELINE ISSUES THAT MR. JONES

1 REFERRED TO.

2 SO, WE WOULD LIKE TO GO ON RECORD IN

3 RECOMMENDING THAT "REFERABLE CONDITION" WOULD BE

4 THE APPROPRIATE TERM.

5 MEMBER EATON: CAN I ASK YOU A QUESTION?

6 CHAIRMAN PENNINGTON: MR. EATON,

7 CERTAINLY.

8 MEMBER EATON: I'M A LITTLE UNCLEAR. ARE

9 YOU SUPPORTING ALTERNATIVE TWO OVER ONE, OR

10 SAYING YOU PREFER ONE, BUT IF YOU HAVE TO ACCEPT

11 TWO THEN UNDER TWO YOU WANT THAT CONDITION?

12 THERE'S A DISTINCTION THERE, AND I JUST WANT TO

13 BE CLEAR.

14 MS. DELAMATIER: WELL, MR. EATON, I AM

15 SPECULATING THAT THE WAY THAT YOU JUST DESCRIBED

16 THE SITUATION IS PROBABLY TRUE. I DON'T REALLY

17 KNOW, AND THAT'S AN APPROPRIATE QUESTION TO

18 ADDRESS TO MR. SWEETZER WHEN HE ARRIVES. BUT I

19 SUSPECT THAT-20

MEMBER EATON: BUT YOU UNDERSTAND, I'M

21 JUST SAYING-22

MS. DELAMATIER: YEAH.

23 MEMBER EATON: -- THAT YOU'RE NOT

24 ADVOCATING FOR TWO OVER ONE.

25 MS. DELAMATIER: THAT'S CORRECT.

1 MEMBER EATON: OKAY.

2 MS. DELAMATIER: THAT'S CORRECT.

3 CHAIRMAN PENNINGTON: ANY OTHER QUESTIONS
4 OF MS. DELAMATIER? OKAY.

5 MR. BLOCK: I WILL SAY, IT WAS LARRY
6 SWEETZER AND RICHARD HANSON WERE -- I WASN'T
7 NAMING FOLKS BECAUSE I JUST TRY NOT TO DO THAT.
8 BUT "REFERABLE CONDITION" WAS SUGGESTED BY
9 RICHARD HANSON FROM L.A. COUNTY, AND LARRY
10 SWEETZER WAS THE INDUSTRY REPRESENTATIVE I WAS
11 REFERRING TO BEFORE.

12 MEMBER EATON: THE USUAL SUSPECTS, NO
13 DOUBT, HUH?

14 CHAIRMAN PENNINGTON: YES, MR. FRAZEE?

15 MEMBER FRAZEE: HELP ME UNDERSTAND UNDER
16 ALTERNATIVE TWO, WHAT WOULD HAPPEN WITH THE LEA
17 NOTING, FOR SAKE OF DISCUSSION, A POSSIBLE
18 VIOLATION. HOW WOULD THAT RELATE TO REFERRAL TO
19 DOSH OR-- CAN HE TAKE ACTION UNDER-- OR,
20 INDEPENDENT OF THAT REFERRAL? AND, WHAT'S THE
21 NATURE OF THAT VIOLATION?

22 MR. BLOCK: OKAY. I CAN DO THAT BRIEFLY.
23 THE SHORT ANSWER IS, NO, HE COULDN'T TAKE ACTION
24 SEPARATE FROM THAT REFERRAL. THE WAY THAT THE
25 ALTERNATIVE TWO HAS BEEN SET OUT IS AN LEA

1 BASICALLY HAS THREE CHOICES.
2 ONE, THEY CAN CHOOSE TO NOT BE
3 INVOLVED WITH THESE ISSUES AT ALL. AND, WE
4 WANTED TO MAKE SURE TO RETAIN THAT BECAUSE THERE
5 WERE LEAS THAT CLEARLY SAID IF IT'S NOT OUR
6 JURISDICTION, YOU KNOW, WE DON'T WANT TO BE UNDER
7 ANY OBLIGATION OR LIABILITY ALONG THOSE LINES.
8 OR, AN LEA HAS THE CHOICE, IF THEY DO
9 LEARN OF A PROBLEM, A HAZARDOUS CONDITION, TO
10 SIMPLY REFER IT DIRECTLY.
11 AND THEN THE THIRD ALTERNATIVE IS
12 WHAT WE'VE -- WHAT I'VE BEEN CALLING ENFORCEMENT
13 ASSISTANCE. THIS PROCEDURE.
14 THE IDEA WOULD BE IF THERE WAS A
15 CONDITION THAT AN LEA BECOMES AWARE OF THAT'S A
16 WORKER HEALTH AND SAFETY ISSUE THAT'S BASICALLY
17 FAIRLY EASY TO FIX -- IN OTHER WORDS, IF THEY
18 FEEL THAT THEY CAN JUST SIMPLY HAVE SOME
19 DISCUSSIONS WITH THE OPERATOR AND IT'LL BE TAKEN
20 CARE OF IN A SHORT PERIOD OF TIME, THAT THEY
21 DIDN'T WANT TO HAVE TO BE PUT IN THE CHOICE OF
22 EITHER IGNORING IT OR REFERRING IT, THAT THERE
23 WAS SOME MIDDLE GROUND WHERE THE ISSUES COULD
24 BASICALLY GET RESOLVED SHORT OF HAVING TO HAVE
25 THE REFERRAL THERE. BUT, THE LEA IN NO WAY IS

1 AUTHORIZED TO MAKE ANY KIND OF A FINAL
2 DETERMINATION THAT THIS IS A VIOLATION OF TITLE 8
3 OR THE LIKE.
4 SO, IN TERMS OF ALTERNATIVE TWO, ONE
5 OF THE OTHER THINGS, AND THE REASON IT'S SO
6 THICK, IS WE INCLUDED COPIES OF ALL THE STANDARDS
7 THAT WE WERE TALKING ABOUT. AND THIS HARKENS
8 BACK TO THE TRANSFERRING PROCESSING REGS, WHERE
9 THE IS SUE WAS TO MAINTAIN A STATUS QUO. THERE
10 WERE A NUMBER OF ISSUES THAT LEAS HAD BEEN
11 LOOKING AT OVER THE YEARS WHICH WE REMOVED FROM
12 OUR REGULATIONS.
13 AND, SO THAT THE SCOPE OF THIS
14 ENFORCEMENT ASSISTANCE PROCESS IS LIMITED TO
15 THOSE TYPES OF ISSUES ANYWAY. IN OTHER WORDS,
16 IT'S NOT ANY WORKER HEALTH AND SAFETY ISSUE THAT
17 MIGHT COME UP AT ALL. IT'S THE DUST IS SUES OR
18 THE NOISE IS SUES THAT PREVIOUSLY AN LEA MIGHT
19 HAVE LOOKED AT UNDER THE OLD TITLE 14
20 REGULATIONS, BUT WHICH NOW, BECAUSE WE'VE HAD TO
21 CAREFULLY CRAFT THE STANDARDS TO REMOVE ISSUES
22 THAT WERE ONLY WORKER HEALTH AND SAFETY, THEY
23 DON'T HAVE THE AUTHORITY TO DO UNDER OUR
24 REGULATIONS.

25 MEMBER FRAZEE: LET'S TAKE MR. JONES'

1 TOILET PAPER VIOLATION. SUPPOSING AN LEA, IN
2 INSPECTING A FACILITY, NOTES THE LACK OF TOILET
3 PAPER. SO HE NOTES THAT AND ISSUES AN ORDER, I
4 ASSUME--

5 MR. BLOCK: RIGHT. OH, OKAY --

6 MEMBER FRAZEE: -- OR A FIX-IT TICKET OR
7 SOMETHING OF THAT NATURE.

8 MR. BLOCK: RIGHT. AND ACTUALLY IT
9 WOULDN'T BE THAT -- WHAT IS CONCEIVED OF IN HERE
10 IS NOT TO THAT LEVEL. BASICALLY, IN TERMS OF THE
11 MONTHLY INSPECTIONS, THE LEAS HAVE AN INSPECTION
12 REPORT --

13 MEMBER FRAZEE: YEAH. BUT IT IS
14 MENTIONED.

15 MR. BLOCK: --OF THE STANDARDS.
16 RIGHT. IT WOULD GO - - THERE ARE A
17 LIST OF MINIMUM STANDARDS WITH BASICALLY THREE
18 BOXES. THERE'S THE VIOLATION AREA OF CONCERN OR
19 NO VIOLATION. AND THEN THERE IS A NOTE SECTION
20 AT THE END OF THE INSPECTION REPORT.

21 AND SO THE IDEA WOULD BE, IN THAT
22 NOTE SECTION -- BECAUSE THIS IS NOT A VIOLATION
23 OF TITLE 14, THEY WOULD WRITE IN WHAT THIS IS.

24 MEMBER FRAZEE: OKAY. SO THERE'S NO
25 POTENTIAL FOR THE LEA GOING BACK MONTH AFTER

1 MONTH AND NOTING THIS LACK OF TOILET PAPER, AND
2 THEN THAT ENDING UP ON OUR. LIST OF VIOLATIONS?

3 MR. BLOCK: RIGHT. THAT SHOULD NOT. AND
4 THAT'S, AGAIN, ONE OF THE REASONS I ADDED SOME
5 ADDITIONAL LANGUAGE, VERY SPECIFICALLY SAYING
6 THIS IS NOT -- WOULD NOT CONSTITUTE A VIOLATION
7 OF STATE MINIMUM STANDARDS UNDER TITLE 14.

8 MEMBER FRAZEE: SO, TEETH, BUT NO TEETH.

9 MR. BLOCK: THAT'S RIGHT.

10 MEMBER JONES: THAT'S THE PROBLEM.

11 MR. BLOCK: AND I WILL SAY, TO BE HONEST
12 WITH YOU, AS I WAS DESCRIBING THIS, THERE
13 CERTAINLY IS NOTHING RIGHT NOW THAT WOULD STOP AN
14 LEA, IF THEY HAPPENED TO NOTICE SOMETHING, EVEN
15 WITHOUT THIS PROCEDURE, FROM TALKING TO THE
16 OPERATOR AND SAY, HEY, YOU OUGHT TO TAKE CARE OF
17 THAT.

18 MEMBER JONES: EXACTLY.

19 MR. BLOCK: THE COMMENTS THAT WE GOT FROM
20 SOME LEAS ABOUT THAT WAS JUST A CERTAIN LEVEL OF
21 DISCOMFORT ABOUT THAT BEING -- YOU KNOW, WITHOUT
22 SOMETHING WRITTEN IN TERMS OF A PROCEDURE THEY
23 WERE UNCOMFORTABLE WITH THAT.
24 AND, SO THIS PROCEDURE WAS AN ATTEMPT
25 TO TRY TO SET OUT AS SIMPLY AS POSSIBLE SORT OF A

1 PROCEDURE -- YOU DON'T WANT TO SPELL IT OUT TOO
2 MUCH BECAUSE THEN IT BECOMES A LITTLE BIT TOO
3 MUCH ON ITS OWN -- BUT THAT'S WHAT THIS IS AN
4 ATTEMPT TO DO.

5 BUT, REALLY, THAT'S WHY IT'S COMING
6 BACK BEFORE YOU TO DECIDE, IS THAT SOMETHING --
7 THIS IS WHAT THAT WOULD LOOK LIKE. THE BOARD
8 DECIDES WHETHER YOU WANT THAT OR NOT.

9 CHAIRMAN PENNINGTON: MR. JONES.

10 MEMBER JONES: IF A EMPLOYEE WALKED UP TO
11 AN LEA DURING A NORMAL SITE VISIT INSPECTION AND
12 SAID THERE IS A HEALTH AND SAFETY IS SUE OVER HERE
13 -- OKAY? -- LET ME COME AND TAKE YOU, AND SHOW
14 YOU THIS, WHAT DOES THE LEA DO? DO THEY ASK,
15 HAVE YOU NOTIFIED YOUR BOSS YET, HAVE YOU MADE
16 YOUR BOSS AWARE OF THE IS SUE?

17 AND WHO WRITES UP THE REPORT? THE
18 LEA BASED ON WHAT THE EMPLOYEE SAYS, OR THE
19 EMPLOYEE AND TURNS IT OVER TO THE LEA?

20 MR. BLOCK: WELL, THAT'S A COUPLE OF
21 DIFFERENT QUESTIONS. NUMBER ONE -- AND THAT'S
22 ONE OF THE REASONS I MENTIONED EARLIER, THERE
23 WOULD HAVE TO BE SOME TRAINING FROM DOSH ON
24 THESE. I'M ASSUMING -- I CAN'T TELL YOU FOR
25 SURE, BECAUSE I HAVEN'T REVIEWED ALL OF THEIR

1 MATERIALS -- THAT DOSH HAS A CERTAIN PROCEDURE
2 WHEN THEY DEAL WITH THOSE SORT OF THINGS. AND
3 CAN'T IMAGINE THAT THE APPROPRIATE WAY TO DEAL
4 WITH THESE WOULD BE TO SIMPLY REPORT WHAT THE
5 EMPLOYEE HAS SAID. THE LEA IN THAT CASE IS GOING
6 TO HAVE TO LOOK AT THE SITUATION AND MAKE AN
7 ASSESSMENT THEMSELVES.
8 IN TERMS OF THE ISSUE ABOUT WHETHER
9 THEY'VE NOTIFIED THE EMPLOYER OR NOT, I ACTUALLY
10 CAN'T ANSWER THAT. I DON'T KNOW WHAT THE
11 STANDARD PROCESS IS. IT WOULD SEEM TO ME THAT
12 WOULD MAKE SENSE. I WOULD ASSUME THAT THAT'S ONE
13 OF THE THINGS THAT DOSH DOES, BUT ASSUMPTIONS CAN
14 GET YOU INTO TROUBLE AND, YOU KNOW.
15 THOSE ARE THE--THAT'S THE LEVEL OF
16 DETAIL THAT AN MOU LIKE THIS REALLY -- YOU DON'T
17 WANT TO GET INTO THAT LEVEL OF DETAIL. I CAN
18 CERTAINLY FOLLOW UP AND FIND OUT WHAT THE DOSH
19 PROCEDURES ARE, THAT'S CERTAINLY WHAT THEY WOULD
20 BE DOING IN TRAINING WITH LEAS, IN TERMS OF
21 TELLING WHAT'S THE APPROPRIATE WAY TO DEAL WITH
22 THOSE. BUT I, UNFORTUNATELY, CAN'T ANSWER THAT
23 SPECIFIC QUESTION RIGHT NOW.

24 MEMBER JONES: BECAUSE MY IS SUE IS,
25 ALTERNATIVE ONE I THINK MADE A LOT OF SENSE.

1 BECAUSE IF AN LEA SAW AN IS SUE, WHETHER HE SAW IT
2 OR AN EMPLOYEE REPORTED IT TO HIM -- HE REPORTED
3 RIGHT AWAY TO OSHA, AND OSHA WOULD RESPOND WITHIN
4 THREE DAYS. I MEAN-

5 MR. BLOCK: RIGHT.

6 MEMBER JONES: -- THAT IS LEAPS AND BOUNDS
7 BEYOND WHAT IS HAPPENING TODAY.
8 BUT, TO ADD THIS AND NOT KNOW WHO'S
9 GOING TO WRITE THE REPORT, WHO -- YOU KNOW, WHO
10 IS GOING TO MAKE THAT JUDGMENT AS TO WHAT IS A
11 HEALTH AND SAFETY ISSUE, AND THEN DID YOU EVEN
12 NOTIFY YOUR EMPLOYER AS TO WHETHER OR NOT THERE
13 WAS A PROBLEM -- THOSE ARE ISSUES THAT WE WOULD
14 ALL ASSUME WOULD BE HANDLED IN WHAT WE WOULD
15 THINK TO BE A NORMAL COURSE OF BUSINESS, AND THE
16 APPROPRIATE WAY.

17 BUT IT MAY NOT BE, BECAUSE WE HAVEN'T
18 SPECIFIED IT. WE HAVE NO REASON TO EXPECT THAT
19 THEY WOULD OR WOULDN'T.

20 AND I THINK IT JUST -- I THINK --

21 NUMBER ONE, I THINK IT WAS A GOOD JOB BY YOU, I
22 SHOULD TELL YOU. I THINK YOU DID A GOOD JOB
23 TRYING TO DEAL WITH THESE THREE LEAS THAT WANT
24 THIS STUFF. BUT -- WELL, THE THREE THAT
25 COMMENTED, SORRY.

1 AND, BUT I JUST SEE -- I JUST SEE

2 HOLES THAT ARE GOING TO CREATE REAL PROBLEMS, AND

3 REAL ADVANTAGES WHERE NONE WAS INTENDED, AS A

4 CONSEQUENCE.

5 MEMBER EATON: REFRESH MY RECOLLECTION.

6 UNDER ALTERNATIVE ONE, WAS TRAINING ALSO PROVIDED

7 BY US?

8 MR. BLOCK: ALTERNATIVE ONE I BELIEVE --

9 MEMBER EATON: OR IS IT JUST -- OR IS IT JUST PARTICULAR

10 TO

11 THIS --

12 MR. BLOCK: PRETTY SURE WE DID NOT -

13 - I DID NOT INCLUDE TRAINING IN ALTERNATIVE ONE,

14 BECAUSE ALTERNATIVE ONE IS A STRAIGHT REFERRAL --

15 MEMBER EATON: RIGHT.

16 MR. BLOCK: -- SO YOU DIDN'T HAVE LEAS

17 LOOKING AT A SITUATION TO DETERMINE WHETHER THEY

18 THOUGHT IT WAS A POSSIBLE VIOLATION. SO IT'S A

19 FAIRLY SIMPLE, STRAIGHTFORWARD ONE. THERE'S

20 CERTAINLY NOTHING THAT - -

21 MEMBER EATON: SO THAT WOULD EVEN --

22 MR. BLOCK: --COULD STOP US FROM HAVING

23 SOME-

24 MEMBER EATON: -- SO THAT WOULD BE EVEN

25 MORE--

1 MR. BLOCK: -- HAVING SOME DISCUSSIONS WITH THEM
2 ABOUT IT.

3 MEMBER EATON: -- REMOTE, USING MR. JONES'
4 EXAMPLE OF SOMEONE PERHAPS MAYBE SEEING -- YOU
5 KNOW, WITH NO TRAINING IT'S EVEN HARD TO EVEN
6 MAKE A REFERRAL, IS IT NOT?

7 MR. BLOCK: WELL, AGAIN -- AND ONE OF THE
8 REASONS -- AND THINKING ABOUT IT, AS YOU'VE ASKED
9 THE QUESTIONS -- THAT I DIDN'T REALLY THINK ABOUT
10 PUTTING TRAINING INTO THE REFERRAL, IS THE
11 CONTEXT THAT WE'RE TALKING ABOUT HAS ALWAYS BEEN
12 STATE MINIMUM STANDARDS THAT THE LEAS HAVE BEEN
13 LOOKING AT FOR -- YOU KNOW, THOSE REGULATIONS
14 WERE ON THE BOOKS FOR 20 YEARS, AND SO THE IDEA
15 WAS JUST SIMPLY, FOR THINGS THEY'D ALWAYS BEEN
16 LOOKING AT.

17 THEY LOST THEIR AUTHORITY UNDER THE
18 REVISED REGS TO TAKE ENFORCEMENT ACTION FOR
19 THOSE, SO THIS WAS JUST AN ALTERNATIVE. NOW THE
20 IDEA IS THEY HAVE TO REFER THOSE. SO, WE WEREN'T
21 REALLY THINKING ABOUT THEM DOING SOMETHING THEY
22 HADN'T BEEN DOING BEFORE.

23 MEMBER EATON: I'M JUST THINKING THAT IT
24 JUST MAKES SENSE IN THESE SITUATIONS, WHEN YOU
25 DEAL WITH SOME OF THE UNKNOWNNS -- AND THAT'S

1 REALLY WHAT IT IS IN ANY KIND OF SITUATION WHERE
2 YOU'VE GOT SORT OF THIS CROSS-JURISDICTION, THAT
3 PROCEEDING....
4 YOU KNOW, IN THE LEGISLATURE I THINK
5 THEY USED TO CREATE PILOT PROJECTS TO SORT OF
6 SPLIT THINGS. BUT IN THIS SITUATION IT WOULD
7 SEEM THAT IF YOU ADDED PERHAPS TRAINING TO
8 ALTERNATIVE ONE, OR SOMETHING ALONG THOSE LINES,
9 AND JUST SEE HOW IT PROCEEDS, AND THEN IF THERE'S
10 A NEED. BUT, WHEN YOU'RE TRYING TO COMPARE
11 ALTERNATIVE ONE WITH ALTERNATIVE TWO, WITHOUT THE
12 SAME KINDS OF UNDERPINNINGS -- BE IT TRAINING OR
13 SOME OTHER KIND OF THING -- IT WOULD MAKE ME
14 NERVOUS.
15 IT'S KIND OF LIKE -- AS I WAS TELLING
16 PEOPLE HERE, IT'S KIND OF LIKE GOING TO THE CAR
17 WASH AND TELLING THEM -- AND HAVING SOMEONE LOOK
18 AT YOUR CAR AND SAY, YOU KNOW, YOUR STEERING
19 COLUMN'S OUT. YOU KNOW? YOU DON'T KNOW WHAT
20 YOU'RE LOOKING FOR.

21 MR. BLOCK: RIGHT.

22 MEMBER RHOADS: I HAVE A QUESTION.

23 CHAIRMAN PENNINGTON: MR. RHOADS.

24 MEMBER RHOADS: THERE ARE THREE LEAS THAT
25 DO WANT THIS FLEXIBILITY?

1 MR. BLOCK: YES. ACTUALLY, FOUR. ONE
2 WHO -- THERE'S ACTUALLY FOUR LEAS THAT
3 SPECIFICALLY SAID THEY SUPPORT ALTERNATIVE TWO.
4 ONE OF THOSE FOUR PREFERS "REFERABLE CONDITION" TO
5 "POSSIBLE VIOLATION," BUT IS SUPPORTIVE OF
6 ALTERNATIVE TWO.

7 AND THEN A FIFTH LEA, WHO DOESN'T
8 SUPPORT ALTERNATIVE TWO, BECAUSE HE WANTS TO
9 ENTER TO AN MOU DIRECTLY WITH DOSH.

10 MEMBER RHOADS: ARE ANY REPRESENTATIVES
11 OF THOSE LEAS HERE TODAY TO TESTIFY?

12 MR. BLOCK: I DON'T BELIEVE SO.

13 MEMBER RHOADS: IS IT PROPER TO ASK WHO
14 THEY ARE, THE LEAS?

15 MR. BLOCK: SURE. I JUST SIMPLY -- I
16 WASN'T TRYING TO BE CRYPTIC, I JUST -- I TEND TO
17 TRY NOT TO NAME PEOPLE AS PART OF MY
18 PRESENTATION, BECAUSE SOMETIMES THAT GETS TAKEN
19 THE WRONG WAY.

20 RICHARD HANSON, FROM L.A. COUNTY --
21 ACTUALLY, IT'S HIS BOSS THAT -- HE'S THE PERSON I
22 DEAL WITH DIRECTLY MORE OFTEN THAN NOT, BUT IT'S
23 GONE THROUGH THEIR CHAIN -- SUPPORTS ALTERNATIVE
24 TWO, BUT PREFERS THE "REFERABLE CONDITION"
25 LANGUAGE.

1 MIKE SCHMELLING, SANTA BARBARA

2 COUNTY, PAUL MONAZIAN FROM THE CITY OF SAN

3 DIEGO, AND -- I CAN'T BELIEVE IT'S SLIPPING MY

4 MIND NOW, HANG ON A SECOND --

5 MEMBER RHOADS: WELL, LET ME ASK HIM --

6 MR. BLOCK: I'M FORGETTING WHO THAT IS.

7 AND THEN VENTURA COUNTY, TERRY GILDAY, WHO IS

8 NOT SUPPORTIVE OF ALTERNATIVE TWO.

9 MEMBER RHOADS: NOW, IF I UNDERSTAND THE

10 LANGUAGE RIGHT, THE LEA HAS AN OPTION OF WHETHER

11 THEY WANT TO DO THIS OR NOT. I'M REFERRING TO

12 YOUR PRINCIPLES OF AGREEMENT, I GUESS, POINT

13 NUMBER FIVE.

14 MR. BLOCK: THAT'S CORRECT.

15 MEMBER RHOADS: EVEN THOUGH IT SAYS IF

16 THEY DO IT THEY -- IF THE VIOLATION IS NOT

17 PRESENTED AT A MEETING, THE LEA SHALL NOTE THIS

18 IS A POSSIBLE VIOLATION. BUT EVEN THOUGH IT'S

19 SHALL, THEY STILL -- THEY EITHER CAN DO THIS

20 PROVISION OR THEY --

21 MR. BLOCK: RIGHT. IN OTHER WORDS,

22 THERE'S AN ENTRY-LEVEL DECISION, IF YOU WILL. IF

23 THEY DECIDE THEY WANT TO BE INVOLVED WITH THE

24 ISSUE THEN THEY NEED TO FOLLOW THESE PROCEDURES.

25 BUT THEY CAN DECIDE THEY DON'T WANT TO BE

1 INVOLVED IN DOING ENFORCEMENT ASSISTANCE AT ALL.

2 MEMBER RHOADS: NO. IF THEY DECIDE THEY

3 DO THIS, THEN THEY PUT THIS ON AN INSPECTION

4 REPORT. AND THE WAY I READ IT, THEY DO INFORM

5 THE EMPLOYER OR THE OPERATOR THAT THE CONDITION

6 MUST BE CORRECTED? I JUST HAD A QUESTION ABOUT

7 THE MUST BE CORRECTED. BECAUSE YOU'RE NOT TOO

8 SURE WHETHER THESE ARE --

9 MR. BLOCK: RIGHT.

10 MEMBER RHOADS: -- VIOLATIONS OR NOT.

11 MR. BLOCK: WELL, RIGHT. AND THE WAY

12 IT'S WORDED, IT'S THE MUST BE CORRECTED OR -- AND

13 THE "OR" IS THAT THEY'LL THEN REFER IT TO DOSH

14 FOR THEIR FINAL DECISION.

15 SO, THE MUST IS -- IT DOESN'T BECOME

16 A VIOLATION THAT THE LEA CAN ENFORCE IF IT'S NOT

17 CORRECTED. THEY'RE SIMPLY SAYING -- GIVING THEM

18 AN OPPORTUNITY TO CORRECT IT PRIOR TO THE LEA

19 MAKING A REFERRAL.

20 MEMBER RHOADS: AND WHERE DO I SEE THAT

21 "OR"?

22 MR. BLOCK: OKAY. WE'RE IN -- IT'S THE

23 SECOND PAGE OF THE ADDENDUM, SO IT'S IN 5-B, AND

24 THE LAST SENTENCE OF THAT SECTION IS: •"THE LEA

25 SHALL ALSO INFORM THE EMPLOYER/OPERATOR THAT

1 FAILURE TO CORRECT BY THE SPECIFIED TIME SHALL RESULT
2 IN A REFERRAL TO DIR/DOSH.

3 MEMBER RHOADS: SO THEY MUST CORRECT IT
4 BEFORE IT RESULTS IN A REFERRAL.

5 MR. BLOCK: SO, IN OTHER WORDS, THE IDEA
6 IS THEY'RE INFORMING THE OPERATOR THAT I COULD
7 REFER THIS -- I THINK THERE'S A PROBLEM HERE, I
8 COULD REFER IT RIGHT NOW TO DOSH, BUT I'M GIVING
9 YOU AN OPPORTUNITY, YOU KNOW, BASED ON THE NATURE
10 OF THIS BECAUSE, AGAIN, WE'RE SAYING IT'S NOT AN
11 IMMINENT HAZARD, TO FIX THIS BEFORE I COME BACK
12 NEXT MONTH.

13 MEMBER RHOADS: BUT WE'RE SAYING THEY MUST
14 CORRECT IT EVEN THOUGH IT MAY NOT BE A PROBLEM AT
15 ALL. DO YOU UNDERSTAND-

16 MR. BLOCK: YES. RIGHT, RIGHT. BECAUSE
17 THE -- I UNDERSTAND WHAT YOU'RE SAYING. AND, AS
18 DRAFTING THIS, YOU KNOW, WE WANTED TO ALLOW SOME
19 FLEXIBILITY. BUT IN TERMS OF THE WAY IT WAS
20 WRITTEN WAS THAT IF YOU'RE GOING TO HAVE AN LEA
21 THAT'S GOING TO PUT SOMETHING IN WRITING ON AN
22 INSPECTION REPORT, THAT IT THEN DOES HAVE TO GO
23 THROUGH THE ENTIRE PROCEDURE.

24 BECAUSE, ON THE OTHER HAND, YOU COULD
25 HAVE A SITUATION WHERE AN LEA, FROM AN OPERATOR'S

1 POINT OF VIEW, IS CONTINUING TO MAKE NOTATIONS,
2 AND SO THE RECORD OF THAT OPERATOR HAS THESE
3 NOTATIONS BUT THERE'S NEVER ANY RESOLUTION,
4 BECAUSE DOSH DOES THAT.

5 MEMBER RHOADS: SO LET'S ASSUME, IF IT'S A
6 FALSE CLAIM THEN WHAT HAPPENS? OR A FALSE
7 ACCUSATION, WHAT HAPPENS?

8 MR. BLOCK: ALL RIGHT. AND I SHOULD SAY
9 I WASN'T IMPLYING FALSE ACCUSATION. BUT, TO THE
10 EXTENT THAT DIR -- DOSH IS THE EXPERTS, THERE MAY
11 BE SOMETHING THAT APPEARS TO BE A VIOLATION THAT,
12 IN DOSH'S EVALUATION ISN'T. IN TERMS OF THE
13 REFERRAL PROCEDURE IT'LL GO BACK TO THE -- IF
14 IT'S NOT CORRECTED AND THE REFERRAL OCCURS, IT
15 FALLS BACK TO THE SAME PROCEDURES AS IF IT WAS
16 REFERRED INITIALLY. SO THE THREE DAYS, OR 14
17 DAYS, AND THE DOSH IS COMMITTED TO INFORM THE LEA
18 IN WRITING AS TO WHAT THE DETERMINATION WAS.
19 AND, OF COURSE, THAT WOULD BECOME PART OF THE
20 FILE.

21 MEMBER RHOADES: I THINK I UNDERSTAND.

22 CHAIRMAN PENNINGTON: MR. FRAZEE?

23 MEMBER FRAZEE: ALL THINGS CONSIDERED ON
24 THIS SUBJECT, I THINK THAT I WOULD PREFER TO GO
25 WITH THE ALTERNATIVE ONE, AS WE PREVIOUSLY

1 APPROVED, AND HOLD THE ALTERNATIVE TWO IN
2 ABEYANCE AND GIVE IT SOME TIME TO -- THE WHOLE
3 PROCESS TO GEL A BIT, AND SEE HOW IT WORKS. AND
4 THEN COME BACK AND REVISIT IT AT A LATER DATE IF
5 IT'S NOT WORKING WELL IN THESE THREE
6 JURISDICTIONS THAT -- THEN WE CAN EXPAND THE
7 AUTHORITY. BUT I THINK THAT IT'S ONE OF THE
8 PROBLEMS WITH APPLYING A SINGLE SOLUTION TO A
9 STATE AS COMPLEX AS CALIFORNIA. BUT, I THINK
10 IT'S -- IT WOULD BE WELL TO SEE HOW THAT WORKS,
11 JUST WITH ALTERNATIVE ONE FOR SOME PERIOD OF
12 TIME.

13 MEMBER JONES: I'LL SECOND THAT.

14 MEMBER RHOADS: I THINK THAT'S -- I JUST
15 WANT TO GO ON THE RECORD AS -- I DON'T HAVE ANY
16 PROBLEMS AT ALL WITH ALTERNATIVE TWO, AND I DON'T
17 THINK THE BOARD'S GOING TO GO THAT WAY. BUT, I
18 DO THINK IF LEAS WANT A LITTLE FLEXIBILITY IN
19 THIS AREA I WOULD BE GLAD TO GIVE THEM THAT
20 FLEXIBILITY.

21 CHAIRMAN PENNINGTON: OKAY. IF THERE'S
22 NO OTHER DISCUSSION, MR. FRAZEE MOVES THAT WE
23 ADOPT ALTERNATIVE NUMBER ONE --

24 MEMBER FRAZEE: I THINK WE'VE ALREADY DONE
25 THAT. AND SO--

1 CHAIRMAN PENNINGTON: DIDN'T WE DO THAT?

2 MEMBER EATON: YES. I THINK WE DID IT IN

3 SANTA BARBARA, SO-

4 CHAIRMAN PENNINGTON: WELL, IN EFFECT WE

5 WOULD BE TAKING NO ACTION ON THIS RESOLUTION,

6 WHICH IS ONE THAT -- SO YOU WANT TO MOVE WE

7 REAFFIRM OUR POSITION?

8 MEMBER EATON: LET ME TRY -- DO YOU THINK THAT

9 WE SHOULD PROBABLY TRY AND -- IF THE INTENT IS TO

10 TRY AND SEE HOW IT'S GOING TO GO, DO WE NEED TO

11 PUT THE TRAINING PART INTO ALTERNATIVE ONE?

12 AND I JUST ASK THAT FROM A POLICY

13 STANDPOINT, THAT IF YOU'RE GOING TO COMPARE IT AT

14 SOME POINT, OR IF YOU'RE GOING TO SEE HOW IT

15 REALLY WORKS.

16 I MEAN, I HAVE -- I DIDN'T REALIZE

17 THAT WE WEREN'T -- THAT'S WHY I WAS ASKING THE

18 QUESTION, I DIDN'T READ THROUGH. BUT I WOULD

19 LIKE, IF SOMEONE'S EVEN THINKING ABOUT DOING

20 ANYTHING, WHETHER IT BE ALTERNATIVE ONE OR

21 ALTERNATIVE TWO, THAT THEY'RE PROPERLY TRAINED IN

22 LOOKING AT THESE THINGS TO AVOID THE SITUATIONS

23 THAT EITHER MR. JONES OR YOU, MR. FRAZEE, HAD

24 MENTIONED EARLIER, THAT THERE SHOULD BE SOME KIND

25 OF UNDERSTANDING OF THESE KINDS OF THINGS.

1 BUT....

2 MR. BLOCK: THAT'S THE BOARD'S DECISION.

3 I DON'T THINK THERE WOULD BE A PROBLEM ADDING

4 THAT. AND YOU COULD USE THIS RESOLUTION AS THE

5 VEHICLE FOR ADDING THAT. IN ESSENCE, YOU WOULD

6 JUST ADD THAT PART OF ALTERNATIVE TWO TO

7 ALTERNATIVE ONE.

8 MEMBER FRAZEE: BUT I THINK THE LEVEL OF

9 TRAINING ENVISIONED UNDER ALTERNATIVE ONE WOULD

10 BE SOMEWHAT DIFFERENT THAN UNDER ALTERNATIVE TWO.

11 MEMBER EATON: RIGHT. IT WOULD BE MUCH MORE

12 MINIMAL --

13 MEMBER FRAZEE: YEAH, IT WOULD.

14 MEMBER EATON. YEAH. ABSOLUTELY. TO BE

15 COMMENSURATE WITH THE KIND OF ACTIVITY THAT THE

16 LEA WOULD BE PERFORMING.

17 MR. BLOCK: AND WHAT I'LL DO, AND I WILL

18 REVISE THAT LANGAUGE AND DISTRIBUTE COPIES TO ALL

19 YOUR OFFICES. I'LL TAKE THE LANGAUGE THAT'S IN

20 ALTERNATIVE TWO RIGHT NOW, AND I WILL PERHAPS

21 MAKE THAT A LITTLE BIT LESS.

22 RIGHT NOW IT SAYS TRAINING AS

23 APPROPRIATE REGARDING INTERPRETATION, APPLICATION

24 AND ENFORCEMENT OF TITLE 8. AND I CAN CHANGE IT TO SAY

25 REGARDING RECOGNITION OF POTENTIAL TITLE 8 ISSUES

1 OR SOMETHING, THAT DOESN'T RIASE -- I DON'T WANT
2 TO USE THE TERM "VIOLATION," OBVOIUSLY, BUT
3 SOMETHING THAT MAKES IT LIMITED SO THAT IT GOES
4 TO THE ISSUE OF RECOGNIZING THE TYPES OF THINGS
5 THAT ARE APPROPRIATE FOR REFERRAL. BUT IT
6 CERTAINLY DOESN'T NEED TO TALK ABOUT ENFORCEMENT.

7 MEMBER EATON: RIGHT. RIGHT.

8 MEMBER FRAZEE: ON THE RESOLUTION ITSELF, IT'S
9 JUST THE RESOLVE CLAUSE IS THE ONLY THING THAT
10 NEEDS TO BE MODIFIED. I THINK THE REST OF IT
11 READS ALL RIGHT, DOESN'T IT?

12 MR. BLOCK: YEAH, MOST OF IT'S ALL
13 BACKGROUND.

14 MEMBER JONES: SO WE JUST SAY ALTERNATIVE ONE.

15 CHAIRMAN PENNINGTON: OKAY. SO WE SAY
16 ALTERNATIVE ONE, AND WE ADD PROVISIONS FOR TRAINING.

17 MEMBER FRAZEE: STRIKE THE LINE THAT SAYS
18 "ALTERNATIVE TWO SHALL SUPERSEDE ALTERNATIVE
19 ONE."

20 MEMBER JONES: RIGHT.

21 CHAIRMAN PENNINGTON: OKAY.

22 MEMBER FRAZEE: SO THAT'S A MOTION ON
23 RESOLUTION 98-345, AS AMENDED.

24 MEMBER JONES: I'LL SECOND.

25 CHAIRMAN PENNINGTON: OKAY. MR. FRAZEE

1 HAS MOVED ADOPTION OF RESOLUTION 98-345, AS

2 AMENDED. MR. JONES HAS SECONDED IT.

3 IF THERE'S NO FURTHER DISCUSSION WILL

4 THE SECRETARY CALL THE ROLL?

5 THE SECRETARY: BOARD MEMBER EATON?

6 MEMBER EATON: AYE.

7 THE SECRETARY: FRAZEE?

8 MEMBER FRAZEE: AYE.

9 THE SECRETARY: JONES?

10 MEMBER JONES: AYE.

11 THE SECRETARY: RHOADS?

12 MEMBER RHOADS: AYE.

13 THE SECRETARY: CHAIRMAN PENNINGTON?

14 CHAIRMAN PENNINGTON: AYE.

15 THE MOTION CARRIES.

16 WE'LL RECESS NOW UNTIL 1:30.

17 (LUNCHEON RECESS.)

18 CHAIRMAN PENNINGTON: ITEM 9, CONSIDERATION

19 OF STAFF RECOMMENDATION ON THE BIENNIAL REVIEW

20 FINDINGS FOR THE SOURCE REDUCTION AND RECYCLING

21 ELEMENT FOR THE FOLLOWING JURISDICTIONS. AND STEVE

22 SORRELE WILL MAKE THE PRESENTATION.

23 WELCOME, STEVE.

24 MR. SORELLE: THANK YOU.

25 CHAIRMAN PENNINGTON: THANK YOU FOR BEING

1 HERE.

2 MR. SORRELL: GOOD AFTERNOON CHAIRMAN

3 PENNINGTON, BOARD MEMBERS. I AM, AGAIN, STEVE

4 SORRELL WITH THE OFFICE OF LOCAL ASSISTANCE,

5 NORTH SECTION. I'D LIKE TO DIRECT YOUR ATTENTION

6 TO AGENDA NUMBER -- ITEM NO. 9.

7 I AM HAPPY TO PRESENT TO YOU TODAY 15

8 MORE JURISDICTIONS FROM 11 COUNTIES THAT HAVE

9 DEMONSTRATED MEETING OR EXCEEDING THE 1995 GOAL

10 OF 25 PERCENT, BOTH '95 AND '96. THESE FINDINGS

11 ARE THE RESULT OF BOARD STAFF'S REVIEW AND

12 ANALYSIS OF THESE JURISDICTIONS AND '95 AND

13 '96 ANNUAL REPORTS. CLARIFICATION AND

14 VERIFICATION OF PROGRAM IMPLEMENTATION WAS

15 CONDUCTED BY NUMEROUS PHONE CALLS AND

16 CORRESPONDENCE WITH THE JURISDICTIONS AND

17 CHECKING PERTINENT DIVERSION FACILITY-RELATED

18 DATABASES. THESE JURISDICTIONS HAVE IMPLEMENTED

19 AND CONTINUE TO IMPLEMENT NUMEROUS PROGRAMS TO

20 HELP THEM REACH THE 25 AND 50 PERCENT GOALS.

21 THEIR SUCCESS IS THE RESULT OF COOPERATIVE

22 EFFORTS BY THE CITIES AND COUNTIES, THEIR

23 RESIDENTS, SCHOOLS AND COMMERCIAL SECTORS, AND

24 THE WASTE MANAGEMENT INDUSTRY AND RECYCLING

25 INDUSTRY.

1 I'D LIKE TO ACKNOWLEDGE EACH
2 JURISDICTION BY READING EACH INTO THE RECORD.
3 FRESNO COUNTY, REEDLEY. SHAFTER, KERN COUNTY.
4 LASSEN COUNTY, UNINCORPORATED LASSEN COUNTY.
5 FROM LOS ANGELES COUNTY, CITIES OF ARCADIA,
6 ARTESIA, GLENDALE, POMONA. SEASIDE FROM MONTEREY
7 COUNTY. CYPRESS FROM ORANGE COUNTY. FOLSOM,
8 SACRAMENTO COUNTY. MANTECA, SAN JOAQUIN COUNTY.
9 MORGAN HILL, SANTA CLARA COUNTY. NEWMAN,
10 STANISLAUS COUNTY. SONORA AND TUOLUMNE COUNTY
11 UNINCORPORATED FROM TUOLUMNE COUNTY.
12 THAT CONCLUDES MY PRESENTATION FOR
13 THIS ITEM. I'LL ENTERTAIN ANY QUESTIONS.

14 CHAIRMAN PENNINGTON: OKAY. ANY
15 QUESTIONS?

16 MEMBER JONES: MR. CHAIRMAN?

17 CHAIRMAN PENNINGTON: YES, MR. JONES.

18 MEMBER JONES: I'D LIKE TO MAKE A MOTION
19 THAT WE ADOPT RESOLUTION 98-347, FOR THE
20 CONSIDERATION OF THE STAFF RECOMMENDATION ON THE
21 BIENNIAL REVIEW FINDINGS FOR THOSE CITIES AND
22 COUNTIES.

23 CHAIRMAN PENNINGTON: OKAY. SINCE THE
24 FAIR CITY OF FOLSOM, WHICH I RESIDE IN, IS ON
25 THIS LIST I'LL SECOND IT.

1 I DID HAVE ONE QUESTION ABOUT THREE
2 OF THEM, THOUGH, SEEM TO HAVE GONE DOWN, SINCE
3 THEIR '95 NUMBERS THEY WENT DOWN IN THEIR '96
4 NUMBERS. DO YOU HAVE ANY EXPLANATION FOR THAT,
5 DO YOU KNOW?

6 MR. SORELLE: I ACTUALLY DON'T HAVE THAT
7 INFORMATION IN FRONT OF ME.

8 CHAIRMAN PENNINGTON: ARTESIA WENT FROM
9 27 TO 21, A SIX POINT DROP. AND MANTECA WENT
10 FROM 31 TO 24. AND NEWMAN WENT FROM 26 TO 22,
11 I'M TOLD. THIS IS SOMETHING MY STAFF WORKED UP.

12 MR. SORELLE: RIGHT. AND THOSE WILL BE
13 JURISDICTIONS THAT WE'LL BE TARGETING FOR
14 ADDITIONAL ASSISTANCE IN LOOKING INTO THOSE.
15 THAT'S TYPICALLY WHAT WE'D DO IF THEY DROP THEIR
16 RATE BY ANY MORE THAN FIVE POINTS, TYPICALLY.

17 CHAIRMAN PENNINGTON: OKAY. VERY GOOD.
18 WELL, WE HAVE A MOTION ON THE FLOOR.
19 MR. JONES MOVED ADOPTION OF RESOLUTION 98-347,
20 SECONDED BY ME.

21 IF THERE'S NO FURTHER DISCUSSION WILL
22 THE SECRETARY CALL THE ROLL?

23 THE SECRETARY: MEMBER EATON?

24 MEMBER EATON: AYE.

25 THE SECRETARY: FRAZEE?

1 MEMBER FRAZEE: AYE.

2 THE SECRETARY: JONES?

3 MEMBER JONES: AYE.

4 THE SECRETARY: RHOADS?

5 MEMBER RHOADS: AYE.

6 THE SECRETARY: CHAIRMAN PENNINGTON?

7 CHAIRMAN PENNINGTON: AYE.

8 THE MOTION CARRIES.

9 WE'LL MOVE TO ITEM NO. 10.

10 MR. SORELLE: OKAY. ITEM NO. 10, WHICH

11 I WILL BE PRESENTING ALSO, ARE THE HHW ELEMENTS.

12 I'M HAPPY TO ALSO PRESENT 14 MORE JURISDICTIONS

13 FROM 11 COUNTIES THAT HAVE DEMONSTRATED ADEQUATE

14 IMPLEMENTATION OF THEIR HHW ELEMENTS. THESE

15 FINDINGS ARE THE RESULT OF BOARD STAFF'S REVIEW

16 AND ANALYSIS OF THESE JURISDICTIONS. HOWEVER, I

17 WILL NOT READ THESE INTO THE RECORD TODAY.

18 AND THAT CONCLUDES MY PRESENTATION ON

19 THAT ITEM. ANY QUESTIONS?

20 CHAIRMAN PENNINGTON: VERY GOOD. THANK

21 YOU.

22 QUESTIONS? IF NOT, I'LL MOVE SINCE

23 MY FAIR CITY OF FOLSOM IS AMONG THIS GROUP. I'LL

24 MOVE THE ADOPTION OF 98-356.

25 MEMBER FRAZEE: I'LL SECOND.

1 CHAIRMAN PENNINGTON: IT'S BEEN MOVED BY
2 THE CHAIR AND SECONDED BY MR. FRAZEE, THE
3 ADOPTION OF 98-356.
4 NO FURTHER DISCUSSION? WILL THE
5 SECRETARY CALL THE ROLL PLEASE?

6 THE SECRETARY: MEMBER EATON?

7 MEMBER EATON: AYE.

8 THE SECRETARY: FRAZEE?

9 MEMBER FRAZEE: AYE.

10 THE SECRETARY: JONES?

11 MEMBER JONES: AYE.

12 THE SECRETARY: RHOADS?

13 MEMBER RHOADS: AYE.

14 THE SECRETARY: CHAIRMAN PENNINGTON?

15 CHAIRMAN PENNINGTON: AYE.

16 THE MOTION CARRIES.

17 MOVE TO ITEM NO. 11, CONSIDERATION OF

18 STAFF RECOMMENDATIONS ON THE BIENNIAL REVIEW

19 FINDINGS FOR THE SOURCE REDUCTION AND RECYCLING

20 ELEMENTS FOR LOCAL JURISDICTIONS. CATHERINE,

21 ARE YOU DOING THIS ONE?

22 MS. CARDOZO: I'M DOING THIS ONE.

23 CHAIRMAN PENNINGTON: OKAY. CATHERINE

24 CARDOZO.

25 MS. CARDOZO: GOOD AFTERNOON CHAIRMAN

1 PENNINGTON AND BOARD MEMBERS. I'M CATHERINE
2 CARDOZO WITH THE BOARD'S OFFICE OF LOCAL
3 ASSISTANCE, CENTRAL SECTION. TODAY I'M
4 PRESENTING ITEM NO. 11, BIENNIAL REVIEW RESULTS
5 FOR THE CITY OF PORTERVILLE IN TULARE COUNTY. AS
6 CHAIRMAN PENNINGTON MENTIONED EARLIER, THE CITY
7 OF OJAI HAS BEEN PULLED FROM THE AGENDA SO I WILL
8 NOT BE DISCUSSING THEIR RESULTS.
9 AND LINDA WOMACK FROM THE CITY OF
10 PORTERVILLE IS ALSO HERE TODAY IN CASE THERE ARE
11 ANY QUESTIONS YOU HAVE THAT I CAN'T ANSWER.
12 THE CITY IS IMPLEMENTING NUMEROUS
13 SOURCE REDUCTION, RECYCLING, COMPOSTING, SPECIAL
14 WASTE AND EDUCATION PROGRAMS, INCLUDING
15 PROCUREMENT AND C&D RELATED PROGRAMS, IN THEIR
16 EFFORT TO REACH THE 25 AND 50 PERCENT GOALS.
17 DESPITE THEIR EFFORTS, THEIR '95 AND '96
18 DIVERSION RATES WERE 15 AND 20 PERCENT
19 RESPECTIVELY.
20 THE CITY IS CURRENTLY WORKING WITH
21 THE BOARD'S TARGETED ASSISTANCE GROUP TO HELP
22 THEM IDENTIFY AND IMPLEMENT ADDITIONAL DIVERSION
23 PROGRAMS OR TO IMPROVE THE EFFICIENCY OF EXISTING
24 PROGRAMS THAT WOULD HELP THEM TO ACHIEVE THE 50
25 PERCENT GOAL.

1 THE CITY IS A RURAL JURISDICTION AND
2 COULD PETITION THE BOARD FOR A REDUCTION IN THE
3 50 PERCENT GOAL. HOWEVER, THEY HAVE CHOSEN TO
4 FIRST WORK WITH BOARD STAFF TO SEE IF THEY CAN,
5 IN FACT, IMPLEMENT MORE PROGRAMS OR EXPAND
6 EXISTING ONES AND THEREBY ACHIEVE A HIGHER
7 DIVERSION RATE BEFORE REQUESTING ANY KIND OF
8 REDUCTION.

9 BASED ON THEIR REVIEW, STAFF BELIEVES
10 THE CITY IS MAKING A GOOD-FAITH EFFORT TO
11 IMPLEMENT DIVERSION PROGRAMS, AND RECOMMENDS
12 APPROVAL OF THE BIENNIAL REVIEW RESULTS FOR THE
13 CITY OF PORTERVILLE.

14 THAT CONCLUDES MY PRESENTATION. DO
15 YOU HAVE ANY QUESTIONS?

16 CHAIRMAN PENNINGTON: QUESTIONS? OKAY.
17 I'LL ENTERTAIN A MOTION.

18 MEMBER FRAZEE: MR. CHAIRMAN, I'LL MOVE
19 ADOPTION OF RESOLUTION 98-354, MODIFIED TO
20 INDICATE THE CITY OF PORTERVILLE IN TULARE COUNTY
21 ONLY.

22 CHAIRMAN PENNINGTON: I'LL SECOND THAT
23 MOTION.

24 IF THERE'S NO FURTHER DISCUSSION WILL
25 THE SECRETARY CALL THE ROLL?

1 THE SECRETARY: BOARD MEMBER EATON?

2 MEMBER EATON: AYE.

3 THE SECRETARY: FRAZEE?

4 MEMBER FRAZEE: AYE.

5 THE SECRETARY: JONES?

6 MEMBER JONES: AYE.

7 THE SECRETARY: RHOADS?

8 MEMBER RHOADS: AYE.

9 THE SECRETARY: CHAIRMAN PENNINGTON?

10 CHAIRMAN PENNINGTON: AYE.

11 THE MOTION CARRIES.

12 MOVE TO ITEM 12, CONSIDERATION OF

13 STAFF RECOMMENDATION --

14 MEMBER JONES: MR. CHAIRMAN, CAN I ASK

15 STAFF A QUESTION BEFORE THEY GO ON?

16 CHAIRMAN PENNINGTON: SURE.

17 MEMBER JONES: WHEN WE WERE IN SANTA

18 BARBARA WE HAD OUR FIRST CITIES AND COUNTIES THAT

19 WERE GOOD-FAITH EFFORT, AND WE HAD TALKED ABOUT

20 PART OF GOOD-FAITH IS -- AND YOU COVERED IT,

21 THAT'S THE ONLY REASON I DIDN'T BRING IT UP, IS

22 THAT THEY DON'T WANT A REDUCTION, THEY WANT TO

23 KEEP LOOKING AT PROGRAMS THEY CAN IMPLEMENT.

24 BUT I'M HOPING THAT AT SOME POINT THE

25 DISCUSSION WE HAD IN SANTA BARBARA WHERE WE

1 TALKED ABOUT ISSUES LIKE ORDINANCES, PROCUREMENT
2 PROCESS, YOU KNOW, INTERNAL PROCUREMENT ALL
3 BECOME PART OF THE DAY TO DAY NEGOTIATING ISSUES
4 ON THIS. AND I DIDN'T BRING IT UP PRIOR TO THE
5 VOTE BECAUSE YOU SAID THEY WERE GOING TO CONTINUE
6 TO WORK ON IT.

7 MS. CARDOZO: YES.

8 MEMBER JONES: BUT I THINK IT IS
9 CRITICALLY IMPORTANT THAT WE WORK TO DEVELOP
10 THOSE TYPES OF ISSUES, BECAUSE CLEARLY THE
11 MANDATE SAID 25 PERCENT. AND GOOD-FAITH EFFORT
12 IS REAL REASONABLE, BUT WE -- GOOD-FAITH EFFORT
13 TAKES LONGER THAN ONE DAY.

14 MS. CARDOZO: RIGHT.

15 MEMBER JONES: AND SO WE NEED TO REALLY
16 MOVE THAT FORWARD SO THAT CITIES AND COUNTIES
17 THAT DO MAKE GOOD-FAITH EFFORTS, PART OF IT IS
18 THAT THEY GROW. YOU KNOW, NOT SO MUCH EXPENSIVE
19 PROGRAMS, BUT IDEALS AND WAYS OF DOING BUSINESS,
20 AND I WOULD HOPE THAT WOULD BE PART OF THE
21 ONGOING DISCUSSION WITH PORTERVILLE AND OTHER
22 CITIES. THANK, MR. CHAIRMAN.

23 CHAIRMAN PENNINGTON: YES, INDEED.

24 OKAY. ITEM NO. 12, CONSIDERATION OF
25 STAFF RECOMMENDATION ON THE ADEQUACY OF THE

1 COUNTY-WIDE SITING ELEMENT, COUNTY-WIDE SUMMARY
2 PLAN, AND THE COUNTY-WIDE INTEGRATED WASTE
3 MANAGEMENT PLAN FOR SANTA BARBARA COUNTY.

4 MR. SORELLE: THIS ITEM WILL BE PRESENTED
5 BY NIKKI MIZWINSKI. THIS WILL BE HER FIRST
6 PRESENTATION IN FRONT OF THE BOARD, AND SHE
7 REPRESENTS THE OFFICE OF LOCAL ASSISTANCE ALSO.

8 CHAIRMAN PENNINGTON: VERY GOOD.
9 WELCOME.

10 MS. MIZWINSKI: GOOD AFTERNOON CHAIRMAN
11 PENNINGTON, BOARD MEMBERS. TODAY I AM PRESENTING
12 ITEM NO. 12, REGARDING THE ADEQUACY OF SANTA
13 BARBARA COUNTY'S COUNTY-WIDE SITING ELEMENT,
14 COUNTY-WIDE SUMMARY PLAN, AND COUNTY-WIDE
15 INTEGRATED WASTE MANAGEMENT PLAN.
16 ALSO, IMELDA CRAIGEN, MARK SCHLINK,
17 AND LESLIE WELLS, WHO ARE REPRESENTING THE
18 COUNTY OF SANTA BARBARA ARE HERE TO ANSWER ANY
19 QUESTIONS THAT YOU MAY HAVE ON THESE ELEMENTS.
20 THE ADEQUACY OF THE COUNTY-WIDE
21 SITING ELEMENT, COUNTY-WIDE SUMMARY PLAN, AND THE
22 COUNTY-WIDE INTEGRATED WASTE MANAGEMENT PLAN IS
23 MET IF ALL THE MAJOR COMPONENTS HAVE BEEN
24 PROPERLY FILED AND INCLUDED AS REQUIRED BY ALL
25 APPLICABLE STATUTES AND REGULATIONS.

1 THE COUNTY-WIDE SITING ELEMENT
2 IDENTIFIES THE EXISTING AND PROPOSED SOLID WASTE
3 DISPOSAL FACILITIES FOR SANTA BARBARA COUNTY, AND
4 DEMONSTRATES A 15-YEAR DISPOSAL CAPACITY.
5 THE COUNTY-WIDE SUMMARY PLAN PROVIDES
6 AN OVERVIEW OF THE WASTE MANAGEMENT
7 INFRASTRUCTURE AND PROGRAMS IN SANTA BARBARA
8 COUNTY.
9 THE COUNTY-WIDE INTEGRATED WASTE
10 MANAGEMENT PLAN INCLUDES A SUMMARY OF WASTE
11 MANAGEMENT PROBLEMS IN SANTA BARBARA COUNTY, AND
12 ALSO THE STEPS THAT WILL BE TAKEN BY LOCAL
13 AGENCIES ACTING INDEPENDENTLY OR IN CONCERT TO
14 ACHIEVE THE PURPOSES OF THIS DIVISION OF THE LAW.
15 THE DISPOSAL CAPACITY SECTION SHALL
16 DEMONSTRATE THAT THE COUNTY HAS OR WILL DEVELOP
17 SUFFICIENT DISPOSAL CAPACITY TO HANDLE THE WASTES
18 OF ITS MEMBER JURISDICTIONS FOR A 15-YEAR PERIOD.
19 THE EXISTING SOLID WASTE DISPOSAL
20 FACILITIES SECTION SHALL IDENTIFY AND DESCRIBE
21 EACH PERMITTED DISPOSAL FACILITY IN THE COUNTY.
22 CURRENTLY THERE ARE FIVE PERMITTED CLASS THREE
23 DISPOSAL FACILITIES IN SANTA BARBARA COUNTY.
24 THERE IS APPROXIMATELY 13 YEARS OF DISPOSAL
25 CAPACITY AT THESE FIVE FACILITIES.

1 THE SITING CRITERIA SECTION SHALL
2 DEVELOP A PROCESS AND METHODOLOGY FOR THE
3 EVALUATION OF NEW OR EXPANDED SOLID WASTE
4 DISPOSAL FACILITY SITES. THE PROPOSED FACILITY
5 LOCATION AND DESCRIPTION SECTION SHALL DESCRIBE
6 THE LOCATION OF NEW OR EXPANDED SOLID WASTE
7 DISPOSAL FACILITIES IN THE COUNTY. IT MUST
8 DEMONSTRATE A MINIMUM OF 15 YEARS OF DISPOSAL
9 CAPACITY IN A WAY THAT IS CONSISTENT WITH THE
10 EFFORTS TO MEET THE WASTE DIVERSION GOALS OF 25
11 AND 50 PERCENT.

12 THE GENERAL PLAN CONSISTENCY SECTION
13 SHALL IDENTIFY AREAS WHICH ARE RESERVED OR
14 TENTATIVELY RESERVED TO ASSURE 15 YEARS PERMITTED
15 DISPOSAL CAPACITY. THE STRATEGIES WHEN SITES
16 PROVIDING 15-YEAR CAPACITY ARE NOT AVAILABLE,
17 THIS SECTION DOES NOT APPLY TO SANTA BARBARA
18 COUNTY.

19 THE PROPOSED EXPANSION WILL ADD 11
20 YEARS OF DISPOSAL CAPACITY AT THE TEHEGAS
21 LANDFILL. WITH THE PERMITTED CAPACITY AND
22 PROPOSED EXPANSION THE COUNTY WILL HAVE 24 YEARS
23 OF COMBINED DISPOSAL CAPACITY.

24 THE SITING ELEMENT IMPLEMENTATION
25 SECTION SHALL DESCRIBE WHO WILL IMPLEMENT THE

1 SITING ELEMENT, WHAT THE SCHEDULE WILL BE, AND
2 WHAT FUNDS WILL BE USED.
3 THE COUNTY-WIDE SUMMARY PLAN PROVIDES
4 AN OVERVIEW OF THE WASTE MANAGEMENT
5 INFRASTRUCTURE AND PROGRAMS IN SANTA BARBARA
6 COUNTY. THEY ARE COUNTY PROFILE AND PLAN
7 ADMINISTRATION, DESCRIPTION OF CURRENT SOLID
8 WASTE MANAGEMENT PRACTICES, SUMMARY OF SOURCE
9 REDUCTION RECYCLING ELEMENTS, ALSO HOUSEHOLD
10 HAZARDOUS WASTE ELEMENTS, AND NON-DISPOSAL
11 FACILITY ELEMENTS. AND IT ALSO INCLUDES
12 FINANCING OF COUNTY-WIDE PROGRAMS.
13 THE COUNTY-WIDE INTEGRATED WASTE
14 MANAGEMENT PLAN, THE CIWMP, INCLUDES EACH
15 JURISDICTIONS BOARD-APPROVED SHREE, WEE, AND
16 NDFE. ALSO THE COUNTY'S BOARD-APPROVED SITING
17 ELEMENT AND SUMMARY PLAN.
18 THE GAP PERIOD APPLIES TO CONFORMANCE
19 FINDINGS FOR PROPOSED SOLID WASTE FACILITY
20 PERMITS. CONFORMANCE FINDINGS WILL BE MADE BY
21 CONSIDERING THE COUNTY'S SITING ELEMENT AND NON
22 DISPOSAL FACILITY ELEMENTS.
23 AGAIN, I WANT TO EMPHASIZE THAT WHAT
24 STAFF LOOKS FOR IN THEIR EVALUATION OF THE
25 ADEQUACY OF A SITING ELEMENT, SUMMARY PLAN, OR

1 COUNTY-WIDE INTEGRATED WASTE MANAGEMENT PLAN IS,
2 WAS THE APPROPRIATE PROCESS FOLLOWED? YES, IT
3 WAS. DID THE COUNTY MEET THE STATUTORY AND
4 REGULATORY REQUIREMENTS? YES, THEY DID.
5 AND, STAFF IS NOT CONSIDERING
6 PERMITTING ISSUES RELATED TO SPECIFIC SITES
7 PROPOSED OR TO BE EXPANDED. AND BY THE WAY, ON
8 THAT NOTE, THE EXPANSION PERMIT WILL COME BEFORE
9 THE BOARD IN MID 1999.

10 ARE THERE ANY QUESTIONS?

11 CHAIRMAN PENNINGTON: QUESTIONS? MR.
12 EATON.

13 MEMBER EATON: PERHAPS THIS IS MORE
14 APPROPRIATE FOR THE OFFICIALS HERE FROM SANTA
15 BARBARA, SO IF THEY'RE GOING TO SPEAK I'D LIKE TO
16 GIVE THEM AN OPPORTUNITY BEFORE I ASK MY
17 QUESTIONS.

18 CHAIRMAN PENNINGTON: THEY HAVE NOT
19 SUBMITTED ANYTHING TO SPEAK, BUT I THINK THEY'RE
20 HERE TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE.

21 MEMBER EATON: OKAY. MY UNDERSTANDING IN
22 OUR VISIT -- AND WHICH I WANT TO THANK YOU FOR
23 THE HOSPITALITY AS WELL AS THE TOUR OF TEHEGAS.
24 BUT WHILE WE WERE DOWN THERE
25 OBVIOUSLY ON THE BUS THERE WAS SOME TALK ABOUT AN

1 ALTERNATIVE SITES COMMITTEE AND I WAS WONDERING

2 WHAT THE STATUS OF THAT HAPPENS TO BE.

3 MR. SLIKUM: MY NAME'S MARK SLIKUM WITH

4 THE COUNTY OF SANTA BARBARA.

5 THE BOARD OF SUPERVISORS FOR SANTA

6 BARBARA COUNTY IDENTIFIED AN ALTERNATIVE SITES --

7 EXCUSE ME--

8 MEMBER EATON: THERE WAS A COMMITTEE THAT

9 WAS FORMED, IF I'M NOT MISTAKEN --

10 MR. SLIKUM: -- COMMITTEE TO CONSIDER

11 ALTERNATIVE --

12 MEMBER EATON: --THAT'S SUPPOSED TO

13 REPORT BACK.

14 MR. SLIKUM: RIGHT. AND THEY WERE

15 SUPPOSED TO RECOMMEND AN ALTERNATIVE TO BE

16 CONSIDERED AT THE SAME PROJECT LEVEL AS THE

17 EXPANSION OF TEHEGAS. THEY WERE GIVEN THAT TASK

18 TO BE COMPLETED IN 90 DAYS, WHICH WOULD HAVE IT

19 DONE, COMPLETED ABOUT THE MIDDLE OF NOVEMBER.

20 THEY ARE PROCEEDING ONCE A WEEK WITH

21 A MEETING THAT LASTS ABOUT TWO AND A HALF HOURS,

22 AND IT LOOKS LIKE THEIR WORK WILL PROBABLY EXTEND

23 INTO THE MONTH OF JANUARY.

24 AGAIN, AS PART OF THE CEQA PROCESS,

25 THEY ARE TO IDENTIFY AN ALTERNATIVE THAT WOULD BE

1 CONSIDERED AT THE SAME LEVEL AS THE EXPANSION OF
2 TEHEGAS. I SHOULD ADD ALSO THAT, BASED ON
3 REGULATORY COMMENTS, WE'RE ALSO LOOKING AT WHAT
4 WE CALL THE BACK CANYON ALTERNATIVE.

5 MEMBER EATON: CORRECT.

6 MR. SLIKUM: SO REALLY, IN OUR CEQA
7 DOCUMENT OUR BOARD OF SUPERVISORS WILL HAVE
8 PROBABLY THREE CHOICES, OR BE ABLE TO CHOOSE FROM
9 THREE CHOICES ON THE EXPANSION PROJECT.

10 MEMBER EATON: AND IF AT THAT TIME THE
11 COMMITTEE DOES IDENTIFY OR DOES, YOU KNOW, THEIR
12 CHARGE BASICALLY -- THEIR CHARGE IS NOT
13 NECESSARILY TO COME UP WITH AN ALTERNATIVE SITE,
14 BUT TO REVIEW AND-- IS THAT CORRECT?

15 MR. SLIKUM: THEIR SPECIFIC CHARGE IS TO
16 IDENTIFY AN ALTERNATIVE TO BE REVIEWED AT THE
17 SAME CEQA LEVEL AS THE PROPOSED FRONT CANYON OR
18 BACK CANYON ALTERNATIVE. THE BOARD OF
19 SUPERVISORS MAY OR MAY NOT AGREE WITH THEIR
20 RECOMMENDATION.

21 MEMBER EATON: CORRECT.

22 MR. SLIKUM: AT THE COMPLETION OF THE EIR
23 THE BOARD OF SUPERVISORS WOULD HAVE A CHOICE OF
24 THREE ALTERNATIVES THAT HAVE BEEN STUDIED AT THE
25 CEQA LEVEL OF DETAIL.

1 MEMBER EATON: OKAY. THANK YOU.
2 AND AS PART OF OUR STAFF, THEN, IF
3 THERE IS AN ALTERNATIVE SITE RECOMMENDED THEN DO
4 THEY SUBMIT AN AMENDMENT TO THIS DOCUMENT THAT
5 IDENTIFIES THAT? I'M JUST TRYING TO FIND OUT THE
6 PROCEDURE SO --

7 MS. WELLS: RIGHT. IF THE PERMIT FOR
8 AN ALTERNATIVE GOES -- WELL, COMES BEFORE -- THAT
9 THEY WANT TO CHOOSE THAT THEN THEY WILL HAVE TO
10 AMEND THE SITING ELEMENT, BECAUSE THOSE OTHER
11 ALTERNATIVES WEREN'T IDENTIFIED IN THE SITING
12 ELEMENT.

13 MEMBER EATON: BECAUSE I KNOW THERE'S A
14 LITTLE BIT OF CONTROVERSY, SHALL WE SAY, AND I
15 JUST WANTED TO MAKE SURE THAT, ON THE RECORD,
16 THAT THOSE THINGS HAPPEN SO THAT THERE'S NOT
17 ANYONE SORT OF NOT UNDERSTANDING THE AMENDMENTS
18 AND THOSE KINDS OF THINGS, BOTH FROM THE PUBLIC
19 AS WELL AS THE COUNTY PERSPECTIVE.
20 THANK YOU. GOOD LUCK.

21 CHAIRMAN PENNINGTON: MR. FRAZEE.

22 MEMBER FRAZEE: I KNOW WE'VE DONE THIS
23 BEFORE, AND I CONTINUE TO BE A BIT TROUBLED BY
24 THE FACT THAT IN ORDER TO APPROVE THE SITING
25 ELEMENT WE MUST MAKE A FINDING, THE 15-YEAR

1 CAPACITY. AND IT'S A LITTLE BIT OF THE CART
2 BEFORE THE HORSE SITUATION IT SEEMS TO ME. AND
3 PERHAPS IF WE CAN GO OVER THAT ONE MORE TIME AND
4 GET THAT EXPLAINED TO ME HOW THAT HAPPENS.
5 THERE'S NO CERTAINTY THAT THIS 15-
6 YEAR CAPACITY CAN BE MET BY THE TEHEGAS LANDFILL
7 OR ANY OF THE ALTERNATIVES. AND I JUST NEED AN
8 EXPLANATION OF HOW WE CAN LEGITIMATELY MAKE THAT
9 FINDING THAT THERE EXISTS 15 YEARS OF CAPACITY
10 WHERE WE HAVE NO ASSURANCE THAT IT IS GOING TO
11 HAPPEN.
12 MS. WELLS: WELL, IT'S MY UNDERSTANDING
13 THAT IN THE PLANNING DOCUMENT THEY
14 HAVE TO COME UP WITH ALTERNATIVES SO THAT THEY
15 WOULD HAVE THIS IN 15 YEARS. THERE IS A CHAPTER,
16 IT'S ONE OF THE LAST ONES NIKKI DISCUSSED, THAT
17 IF THEY KNOW THAT THEY DO NOT HAVE ANYPLACE TO
18 EXPAND OR SITE A NEW FACILITY THEN THEY MUST, IN
19 THAT SECTION, DESCRIBE WHAT THEY WILL DO.
20 BUT IN THIS CASE THEY DO HAVE A
21 POSSIBILITY IF NOT THIS ALTERNATIVE POTENTIALLY
22 OTHERS, AND THAT IS THEIR STRATEGY. AND IF IT
23 ENDS UP THAT THAT PARTICULAR ALTERNATIVE IS NOT A
24 GO AND THEY HAVE TO GO WITH ANOTHER ALTERNATIVE
25 THEN THEY WILL AMEND THE SITING ELEMENT AT THAT

1 TIME.

2 MR. BLOCK: IF I MAY?

3 CHAIRMAN PENNINGTON: YES.

4 MR. BLOCK: ELLIOT BLOCK FOR THE LEGAL

5 OFFICE. ACTUALLY THE REQUIREMENT AND THE FINDING

6 THAT THE BOARD IS MAKING IN THE CASE OF THIS

7 SITING ELEMENT IS NOT THAT THERE IS 15 YEARS

8 CAPACITY, BUT THAT THERE IS, IN A COMBINATION OF

9 CAPACITY AND STRATEGIES, 15 YEARS.

10 AND ACTUALLY THE LANGUAGE IN THE

11 STATUTE, AND IT'S PUBLIC RESOURCES CODE SECTION

12 41701, REQUIRES THAT THE SITING ELEMENT SHOW 15

13 YEARS OF CAPACITY, OR IF CURRENTLY THERE ARE LESS

14 THAN 15 YEARS OF CAPACITY A STRATEGY FOR HOW THAT

15 CAPACITY WILL BE MET.

16 AND SO THE EXPANSION OF THE LANDFILL

17 THAT WE'VE BEEN TALKING ABOUT IS THE STRATEGY.

18 AND SO THE BOARD IS NOT ACTUALLY FINDING THAT

19 THERE'S ACTUAL 15 YEARS OF CAPACITY, BUT THERE'S

20 13 PLUS A STRATEGY FOR MORE.

21 MEMBER FRAZEE: OKAY. DOES THERE HAVE TO

22 BE SOME EVIDENCE THAT THEY'RE MOVING TOWARDS THAT

23 15-YEAR CAPACITY? OR, WHAT'S TO PREVENT A

24 JURISDICTION FROM SAYING, YEAH, WE HAVE THIS

25 CONCEPTUAL PLAN SO DON'T WORRY ABOUT IT?

1 MR. BLOCK: WELL, IN ORDER TO HAVE THE
2 SITING ELEMENT COME BEFORE THE BOARD IT HAS TO GO
3 THROUGH THE MAJORITY, MAJORITY APPROVAL, AND BE
4 APPROVED BY THE COUNTY LOCALLY. AND SO -- AND
5 THAT'LL INCLUDE THEY HAVE TO COMPLY WITH CEQA ON
6 THE PLAN, AS WELL, SEPARATELY FROM ANY CEQA THEY
7 WOULD HAVE TO DO FOR THE PERMITS AS THEY COME UP.
8 AND SO THERE'S NOTHING IN THE STATUTE
9 THAT ESTABLISHES SOME SORT OF INDEPENDENT
10 STANDARD, IF YOU WILL, WHERE THERE'S A FINDING OF
11 WE KNOW WITH REASONABLE CERTAINTY THIS STRATEGY
12 WILL BE IMPLEMENTED. BUT THAT LOCAL APPROVAL
13 PROCESS IS DESIGNED TO ENSURE THAT THAT HAPPENS.
14 AND IF, IN FACT, THEY AT A CERTAIN
15 POINT IN TIME DON'T THERE IS A PROVISION IN THE
16 STATUTE FOR REVIEWING AND REVISING THE SITING
17 ELEMENT EVERY FIVE YEARS, SO THAT THEY HAVE TO
18 REEVALUATE. AND WE HAVE A PROCESS IN OUR
19 REGULATIONS WHERE THEY HAVE TO REEVALUATE. SO IF
20 FIVE YEARS FROM NOW IT'S NEVER HAPPENED AND IT'S
21 OFF THE BOOKS THEY WILL HAVE TO REVISE THEIR
22 DOCUMENT AT THAT POINT IN TIME TO MAKE UP THE
23 DIFFERENCE.

24 MEMBER FRAZEE: OKAY. SO THE FACT THAT
25 THEY HAVE MORE THAN FIVE YEARS GIVES US SOME

1 COMFORT LEVEL, AND THAT IT WILL BE REVIEWED IN

2 FIVE YEARS --

3 MR. BLOCK: RIGHT. THERE'S A STATUTORY

4 REQUIREMENT FOR REVIEWING THE CIWMP. ACTUALLY,

5 ALL OF THE DOCUMENTS AT LEAST ONCE EVERY FIVE

6 YEARS, AND THEN REVISING AS NECESSARY.

7 MEMBER FRAZEE: SO THIS ONE MAY BE ALL

8 RIGHT FROM THAT STANDPOINT. I CAN JUST SEE ONE

9 COMING IN THAT HAS NO CAPACITY.

10 MR. BLOCK: RIGHT.

11 MEMBER FRAZEE: AND JUST PROVIDES SOME

12 KIND OF STATEMENT THAT, YEAH, WE'RE GOING TO

13 ACHIEVE IT THIS WAY BUT HAVE NO ASSURANCE THAT

14 THAT'S REALLY GOING TO HAPPEN. AND IT SEEMS

15 LIKE, AGAIN, WAS IT A WALRUS OR A TOOTHLESS

16 TIGER? ONE OF THE TWO THAT WE USED BACK HERE.

17 MS. WELLS: I'D ALSO LIKE TO ADD JUST

18 THAT GOES ON WITH THAT, IF A PERMIT WAS TO COME

19 FORWARD FOR A FACILITY, EITHER AN EXPANSION OR A

20 NEW FACILITY THAT WAS NOT IDENTIFIED IN THE

21 SITING ELEMENT, IN OUR CONFORMANCE FINDINGS WE

22 WOULD SAY -- WE WILL LOOK AT THE SITING ELEMENT

23 AND SAY, WELL, YOU KNOW IT'S NOT IDENTIFIED HERE,

24 YOU NEED TO GO BACK AND AMEND THE SITING ELEMENT.

25 SO THERE IS A CATCH THAT WORKS BOTH WAYS.

1 MEMBER FRAZEE: IN THAT REGARD, THEN,
2 DOES THIS SITING ELEMENT CITE THE ALTERNATIVES TO
3 TEHEGAS EXPANSION?

4 MS. WELLS: THAT'S THE ONE
5 ALTERNATIVE THEY LIST. AND SO--

6 MEMBER FRAZEE: OKAY. AND SO IF THAT ONE
7 FAILS AND THEY GO TO SOME OTHER ONE THEN THEY'LL
8 HAVE TO AMEND THEIR CIWMP.

9 MS. WELLS: THAT'S CORRECT. YES.

10 MEMBER FRAZEE: OKAY. GOOD.

11 CHAIRMAN PENNINGTON: OKAY. ANY
12 ADDITIONAL QUESTIONS?

13 MEMBER JONES: MR. CHAIRMAN?

14 CHAIRMAN PENNINGTON: YES, MR. JONES?

15 MEMBER JONES: I'D LIKE TO MOVE
16 RESOLUTION 98-349, CONSIDERATION OF THE ADEQUACY
17 OF THE COUNTY SITING ELEMENT FOR SANTA BARBARA
18 COUNTY.

19 CHAIRMAN PENNINGTON: OKAY. I NEED A
20 SECOND.

21 MEMBER FRAZEE: I'LL SECOND.

22 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN
23 MOVED BY MR. JONES, SECONDED BY MR. FRAZEE, THE
24 ADOPTION OF 98-349.

25 IF THERE'S NO FURTHER DISCUSSION WILL

1 THE SECRETARY CALL THE ROLL?

2 THE SECRETARY: BOARD MEMBER EATON?

3 MEMBER EATON: AYE.

4 THE SECRETARY: FRAZEE?

5 MEMBER FRAZEE: AYE.

6 THE SECRETARY: JONES?

7 MEMBER JONES: AYE.

8 THE SECRETARY: RHOADS?

9 MEMBER RHOADS: AYE.

10 THE SECRETARY: CHAIRMAN PENNINGTON?

11 CHAIRMAN PENNINGTON: AYE.

12 THE MOTION CARRIES.

13 WE NOW NEED ADOPTION OF RESOLUTION

14 98-3 50. ILL MOVE ADOPTION OF 98-3 50.

15 MEMBER JONES: SECOND.

16 CHAIRMAN PENNINGTON: IT'S BEEN MOVED BY

17 THE CHAIR AND SECONDED BY MR. JONES, ADOPTION OF

18 98-350.

19 ANY FURTHER DISCUSSION? IF NOT, WILL

20 THE SECRETARY CALL THE ROLL?

21 THE SECRETARY: BOARD MEMBER EATON?

22 MEMBER EATON: AYE.

23 THE SECRETARY: FRAZEE?

24 MEMBER FRAZEE: AYE.

25 THE SECRETARY: JONES?

1 MEMBER JONES: AYE.
2 THE SECRETARY: RHOADS?
3 MEMBER RHOADS: AYE.
4 THE SECRETARY: CHAIRMAN PENNINGTON?
5 CHAIRMAN PENNINGTON: AYE.
6 THE MOTION CARRIES.
7 MEMBER JONES: 351.
8 MEMBER FRAZEE: SECOND.
9 CHAIRMAN PENNINGTON: MR. JONES MOVES
10 ADOPTION OF RESOLUTION 98-35 1, SECONDED BY MR.
11 FRAZEE.
12 IF THERE'S NO FURTHER DISCUSSION WILL
13 THE SECRETARY CALL THE ROLL?
14 THE SECRETARY: BOARD MEMBER EATON?
15 MEMBER EATON: AYE.
16 THE SECRETARY: FRAZEE?
17 MEMBER FRAZEE: AYE.
18 THE SECRETARY: JONES?
19 MEMBER JONES: AYE.
20 THE SECRETARY: RHOADS?
21 MEMBER RHOADS: AYE.
22 THE SECRETARY: CHAIRMAN PENNINGTON?
23 CHAIRMAN PENNINGTON: AYE.
24 THE MOTION CARRIES.
25 WE'LL MOVE TO ITEM 13, CONSIDERATION

1 OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE
2 FINAL SITING ELEMENT, SUMMARY PLAN, AND THE
3 REGIONAL INTEGRATED WASTE MANAGEMENT PLAN FOR
4 GLENN COUNTY

5 MR. SORELLE: GOOD AFTERNOON BOARD,
6 AGAIN. THE ITEM BEFORE YOU IS THE ADEQUACY OF
7 THE REGION-WIDE SITING ELEMENT, SUMMARY PLAN, AND
8 REGIONAL INTEGRATED WASTE MANAGEMENT PLAN FOR THE
9 GLENN REGIONAL AGENCY.

10 GLENN COUNTY AND THE TWO INCORPORATED
11 CITIES OF ORLAND AND WILLOWS HAVE WORKED
12 TOGETHER ON SOLID WASTE ISSUES FOR MANY YEARS AND
13 FORMED A REGIONAL AGENCY IN MAY OF 1998.

14 THEREFORE, TODAY I WILL PRESENT A REGIONAL
15 INTEGRATED WASTE MANAGEMENT PLAN FOR THIS GROUP.
16 THE ONLY OUTSTANDING 939 DOCUMENTS

17 THAT REMAIN FOR GLENN COUNTY WERE THE SITING
18 ELEMENT AND SUMMARY PLAN, AS ALL THREE GLENN
19 JURISDICTIONS HAVE BOARD-APPROVED SHREES, WEES,
20 AND NDFES. BECAUSE THE COUNTY WAS LATE IN
21 SUBMITTING THESE PLANS THIS BOARD PUT THE COUNTY
22 ON A COMPLIANCE SCHEDULE REQUIRING THE FINAL
23 PLANS BY AUGUST 8TH OF 1998. THE FINAL SITING
24 ELEMENT AND SUMMARY PLAN WERE SUBMITTED ON AUGUST
25 6TH, AND THEREBY MET THE COMPLIANCE SCHEDULE.

1 BOARD STAFF HAVE REVIEWED THESE
2 DOCUMENTS AND ARE RECOMMENDING APPROVAL OF BOTH,
3 WHICH WOULD MEAN APPROVAL OF THE ENTIRE REGIONAL
4 INTEGRATED WASTE MANAGEMENT PLAN.
5 THE ITEMS LISTED ON THE OVERHEAD ARE
6 THE MAJOR COMPONENTS OF A SITING ELEMENT. IN THE
7 GLENN COUNTY SITING ELEMENT, THE COUNTY
8 DEMONSTRATED THAT THEY HAVE MORE THAN 15 YEARS'
9 CAPACITY AS REQUIRED, AND, INDEED, HAVE OVER 40
10 YEARS OF CAPACITY ASSUMING FULL ACHIEVEMENT OF
11 THE 50 PERCENT DIVERSION GOAL.
12 THE ONLY SOLID WASTE FACILITY IN GLENN
13 COUNTY IS THE COUNTY LANDFILL. THE SITING
14 ELEMENT DOES LIST THE SITING CRITERIA FOR NEW
15 LANDFILL IF ONE WERE NEEDED, BUT THAT IS NOT
16 EXPECTED IN THE FORESEEABLE FUTURE FOR THIS
17 COUNTY.
18 THE COUNTY DID SUBMIT VERIFICATION
19 THAT ANY LANDFILL EXPANSIONS ARE IN CONFORMANCE
20 WITH THE COUNTY GENERAL PLAN. BECAUSE THIS
21 COUNTY HAS EXCESSIVE CAPACITY THE SITING ELEMENT
22 DID NOT INCLUDE A STRATEGY FOR ADDITIONAL
23 CAPACITY.
24 THE COUNTY BOARD OF SUPERVISORS AND
25 COUNTY PUBLIC WORKS ARE THE RESPONSIBLE AGENCIES

1 FOR THE IMPLEMENTATION OF THE ONGOING LANDFILL
2 EXPANSION TO MAINTAIN THIS 15-YEAR CAPACITY.
3 THE GLENN COUNTY SUMMARY PLAN
4 DESCRIBES THE COUNTY AND CITIES' PUBLIC WORKS
5 DEPARTMENTS AS BEING RESPONSIBLE FOR PLAN
6 ADMINISTRATION. HOWEVER, BECAUSE THESE
7 JURISDICTIONS FORMED A REGIONAL AGENCY AFTER THE
8 SUMMARY PLAN WAS WRITTEN, THE REGIONAL AGENCY HAS
9 SINCE TAKEN RESPONSIBILITY FOR ALL REGIONAL
10 INTEGRATED WASTE MANAGEMENT PLAN IMPLEMENTATION.
11 ALL PROGRAMS IDENTIFIED IN THE SHREES, WEES AND
12 NDFES WERE ADEQUATELY SUMMARIZED IN THE SUMMARY
13 PLAN.
14 THE MAJORITY OF PROGRAMS SELECTED IN
15 THE PLANS ARE BEING FINANCED THROUGH PARCEL FEES,
16 LANDFILL TIPPING FEES, AND COLLECTION FEES.
17 ADEQUATE FUNDING WAS DEMONSTRATED TO FINANCE
18 SELECTED PROGRAMS.
19 THIS REGIONAL INTEGRATED WASTE
20 MANAGEMENT PLAN IS A COMPILATION OF ALL THE AB21 939-REQUIRED PLANNING
DOCUMENTS FOR ALL MEMBERS
22 OF THE REGIONAL AGENCY.
23 THE SITING ELEMENT AND SUMMARY PLAN
24 WERE THE LAST OUTSTANDING DOCUMENTS FOR THIS
25 REGION.

1 IF THE BOARD ADOPTS THIS REGIONAL
2 INTEGRATED WASTE MANAGEMENT PLAN THE REGION IS
3 OUT OF THE GAP PERIOD AND CONFORMANCE FINDINGS ON
4 PERMITS WILL BE BASED ON THIS REGIONAL PLAN.
5 IN SUMMARY, STAFF FIND THE SITING
6 ELEMENT AND SUMMARY PLAN MEET THE BOARD'S
7 REQUIREMENTS AND RECOMMEND APPROVAL OF THE SITING
8 ELEMENT, SUMMARY PLAN, AND REGIONAL INTEGRATED
9 WASTE MANAGEMENT PLAN FOR THE GLENN REGIONAL
10 AGENCY.

11 I'D BE HAPPY TO ANSWER ANY
12 QUESTIONS AT THIS POINT. ALSO, JERRY DIROCCO
13 FROM THE GLENN COUNTY PUBLIC WORKS DEPARTMENT IS
14 HERE AND WOULD LIKE TO ADDRESS THE BOARD, AND
15 ANSWER ANY QUESTIONS ON THESE ISSUES. THANK YOU.

16 CHAIRMAN PENNINGTON: MR.. DIROCCO.

17 MR. DIROCCO: GOOD AFTERNOON CHAIRMAN
18 PENNINGTON AND MEMBERS OF THE BOARD. MY NAME IS
19 JERRY DIROCCO. I'M THE SOLID WASTE MANAGER FOR
20 GLENN COUNTY, AND I'M ALSO THE PROGRAM MANAGER FOR
21 THE NEWLY-FORMED GLENN COUNTY WASTE MANAGEMENT
22 REGIONAL AGENCY. GLENN COUNTY, AS YOU PROBABLY
23 KNOW, IS LOCATED ABOUT 90 MILES NORTH OF
24 SACRAMENTO ON I-S.

25 WE ARE PLEASED THAT YOU ARE

1 CONSIDERING THE ADEQUACY OF THESE TWO DOCUMENTS
2 TODAY, AND ALSO OUR REGIONAL INTEGRATED WASTE
3 MANAGEMENT PLAN. WE THINK WE'RE GOING IN THE
4 RIGHT DIRECTION.

5 AS YOU MAY KNOW, GLENN COUNTY IS STILL
6 CURRENTLY RANKED NUMBER ONE IN CERTIFIED USED OIL
7 COLLECTION CENTERS FOR ALL THE COUNTIES IN
8 CALIFORNIA. WE HAVE BEEN RANKED THAT WAY FOR TWO
9 YEARS. WHAT YOU MAY NOT KNOW IS THAT THREE WEEKS
10 AGO OUR COUNTY BOARD OF SUPERVISORS ADOPTED A
11 RESOLUTION TO RUN ALL THE COUNTY VEHICLES ON RE-
12 REFINED OIL. IN FACT, WE HAVE ALREADY COMMENCED
13 RUNNING OUR NEW REGIONAL PUBLIC TRANSIT SYSTEM ON
14 RE-REFINED OIL.

15 AS A REGIONAL WASTE MANAGEMENT AGENCY
16 FOR '97 WE ACHIEVED 37.4 PERCENT DIVERSION, AND
17 BASED ON OUR MOST RECENT QUARTERLY SURVEYS, I
18 BELIEVE WE'LL BE IN THE MID 40 PERCENT FOR 1998.
19 A PROJECT USING TIRE SHREDS, AND
20 WE'RE CURRENTLY CONDUCTING TWO R&D PROJECTS AT
21 THE LANDFILL USING WASTE TIRE BALES, AND WE'LL BE
22 USING OVER 100,000 TIRES IN THE PROJECT CURRENTLY
23 UNDER WAY. AND WE HAVE A ROAD PROJECT PLANNED
24 FOR ABOUT 400,000 TIRES.

25 WE AGREE WITH BOARD MEMBER JONES THAT

USED TIRES ARE AN OPPORTUNITY. WE JUST WISH WE
2 HAD MORE TIRE BALES. WE ARE ACTUALLY SEEKING
3 WASTE TIRES IN NORTHERN CALIFORNIA.

4 MEMBER JONES: WE GOT SOME.

5 MR. DIROCCO: WE WANT THEM DELIVERED
6 AT NO EXPENSE, PLEASE.

7 ALSO, WE COMPLETED IN THIS PAST YEAR
8 A COUNTY ROAD PROJECT UTILIZING CRUSHED RECYCLED
9 CONCRETE AS A ROAD BASE MATERIAL, AND WE HAVE NOW
10 MADE THAT A CRITERIA OF ALL OUR ROAD CONSTRUCTION
11 PROJECTS, THAT THE ROAD MATERIAL MUST INCLUDE
12 RECYCLED CRUSHED CONCRETE.

13 ALSO, JUST TO NOTE THAT LAST WEEK WE
14 RECEIVED A -- SURPRISINGLY, WE RECEIVED A GRANT
15 FROM THE DEPARTMENT OF CONSERVATION, DIVISION OF
16 RECYCLING, TO PLACE RECYCLING BINS AND TOTES
17 CARTS IN ALL RECREATION AREAS AND SCHOOLS, AND
18 SHOPPING CENTERS THROUGHOUT THE COUNTY.

19 SO, ALL THESE PROJECTS HAVE BEEN
20 EXCITING TO WORK ON, AND WE LOOK FORWARD TO
21 SEEING THEM HELP US ACCOMPLISH REACHING OUR
22 GOALS.

23 I WANT TO PERSONALLY THANK CERTAIN
24 MEMBERS OF YOUR STAFF THAT HAVE BEEN ESPECIALLY
25 HELPFUL. THESE INCLUDE, CERTAINLY, HEIDI

1 SANBORNE, WHO IS NOT HERE TODAY, SCOTT WALKER,
2 CAROL MORTENSON, SHIRLEY WAGNER, STEVE
3 SORELLE, WHO IS SITTING HERE, JACK HARRAH, JANE
4 ROBINSON, AND THE LATE BILL HOUSTON. ALL OF
5 THESE PEOPLE REALLY HELPED US REACH TOWARD OUR
6 GOALS. I ALSO WANT TO THANK THE BOARD FOR
7 ASSISTING US WITH THE GRANTS WE GET, EITHER THE
8 OPPORTUNITY GRANTS OR BLOCK GRANTS. WE NEED
9 THEM, AND WE USE THEM WELL. THANK YOU.
10 IF YOU HAVE ANY QUESTIONS I'D LOVE TO
11 ANSWER THEM.

12 CHAIRMAN PENNINGTON: FINE. QUESTIONS?
13 MR. EATON.

14 MEMBER EATON: I'D JUST LIKE TO COMMEND
15 YOU. IT'S THE FIRST GOOD NEWS THAT I'VE HEARD IN
16 A LONG TIME.
17 BUT, I WOULD JUST WONDER IF ANYONE
18 FROM PERMITS MIGHT BE ABLE TO HELP US OUT HERE.
19 WE'VE HAD A REQUEST -- I KNOW THAT WE'VE
20 ALLOCATED A LOT OF MONEY FOR TIRE REMEDIATION,
21 AND ONE OF THE THINGS THAT I THOUGHT WAS VERY
22 IMPRESSIVE ABOUT THE TIRE CONFERENCE THAT WAS
23 HELD LAST WEEK BY THE STAFF, IN ACCORDANCE WITH
24 THE BOARD, WAS THE FACT OF HOW THEY MOVED TIRES
25 AROUND FROM THE REMEDIATION TO PROJECTS. AND I

1 WAS WONDERING IF WE HAVE ANY PROJECTS ANYWHERE IN
2 NORTHERN CALIFORNIA THAT WE COULD HELP HIM WITH,
3 AND DELIVER THOSE AS PART OF OUR CONTRACT WITH
4 THE PERSON WHO IS GOING TO DO THE REMEDIATION TO
5 GLENN COUNTY, FREE OF CHARGE.

6 MR. DIROCCO: WE WOULD BE DELIGHTED. WE
7 KNOW THERE'S A PROJECT GOING TO COMMENCE IN MODOC
8 COUNTY, BUT THE TRANSPORTATION IS EXCESSIVE. AND
9 WE'VE TALKED TO PEOPLE IN SONOMA COUNTY AND
10 SHASTA COUNTY, AND IT SEEMS IT'S EASIER, MAYBE A
11 LITTLE CHEAPER, TO TAKE THEM TO CEMENT KILNS THAN
12 IT IS TO BALE THEM AND USE THEM.
13 BECAUSE THE PROJECT WE'RE DOING WHERE
14 WE'RE LINING -- OR, TAKING BANK STABILIZATION
15 PROJECTS, WE'RE ACTUALLY SETTING IT UP TO WHERE
16 AS WE IN-FILL THE LANDFILL WE CAN RETRIEVE THE
17 BALES AND REUSE THEM CONTINUOUSLY. SO IT'S A
18 MUCH MORE BENEFICIAL USE.

19 CHAIRMAN PENNINGTON: TELL ME, BALES, ARE
20 YOU BALING THEM?

21 MR. DIROCCO: WE HAVE A TIRE RECYCLER IN
22 ORLAND, NORTHERN CALIFORNIA, PROBABLY THE ONLY
23 ONE UP THERE THAT BALES, AND HE BALES A HUNDRED
24 PASSENGER CAR TIRES INTO A BALE THE SIZE OF YOUR
25 OFFICE DESK. AND WE USE HUNDREDS OF BALES AS

1 QUICK AS WE CAN GET THEM. WE'RE STACKING THEM --
2 THE FIRST PROJECT WE STARTED, WHICH IS SIMILAR TO
3 ONE THAT'S SCOTT WALKER MENTIONED WAS IN SOUTHERN
4 CALIFORNIA, WE LINED UP LANES OF THEM AT THE
5 TIPPING AREA AS A WINDBREAK, AND PEOPLE COULD
6 BACK IN BETWEEN THEM, AND THEN WE COULD LATER IN
7 THE DAY DRIVE THROUGH WITH OUR COVER MATERIAL AND
8 COVER IT, BUT THAT MEANT THAT WE WERE BURYING THE
9 BALES.

10 AND I DETERMINED IT WAS A MUCH MORE
11 BENEFICIAL USE TO -- WE'RE USING THEM FOR BANK
12 STABILIZATION, WHEREVER WE HAVE A TIPPING AREA
13 WHERE WE'VE BUILT UP A WALL OF WASTE, THEN WE
14 LEAN THESE BALES AGAINST IT. AND THEN IF WE HAVE
15 TO, WE'LL SEE. BUT THE WAY WE'RE GOING NOW, IT STOPS
16 ALL THE EROSION, AND THAT'S WHAT WE'RE CONCERNED
17 WITH. THEN WE CAN RETRIEVE THE BALES.

18 CHAIRMAN PENNINGTON: WELL, IF WE CAN GET
19 THE LEGAL PROBLEM SETTLED IN MERCED WE'VE GOT A
20 WHOLE BUNCH OF BALED ONES IN MERCED, SO.

21 MR. DIROCCO: IF I MIGHT BEG ONE OTHER
22 FAVOR? IF YOU COULD GET LEGISLATION TO WHERE
23 WHEN WE HAVE AMNESTY DAYS WE COULD GET MORE THAN
24 FOUR TIRES TRANSPORTED BY ONE INDIVIDUAL IT WOULD
25 CERTAINLY BENEFIT US.

1 CHAIRMAN PENNINGTON: THAT'S CERTAINLY
2 SOMETHING THAT THE TIRE WORKING GROUP IS AWARE
3 OF, AND WORKING ON. BUT MAYBE THE STAFF CAN WORK
4 WITH YOU AND SEE IF WE CAN LOCATE SOME TIRES FOR
5 YOU--

6 MR. SMITH: I'LL TALK TO
7 OUR TIRE STAFF AND SEE WHAT WE COULD DO TO HELP.

8 MR. DIROCCO: THANK YOU, JACK. THANK YOU
9 ALL.

10 CHAIRMAN PENNINGTON: THANK YOU.

11 MEMBER JONES: MR. CHAIRMAN?

12 CHAIRMAN PENNINGTON: MR. JONES.

13 MEMBER JONES: I'D LIKE TO MOVE ADOPTION
14 OF RESOLUTION 98-325.

15 CHAIRMAN PENNINGTON: I'LL SECOND THAT.
16 AND IF THERE'S NO FURTHER DISCUSSION,
17 WILL THE SECRETARY CALL THE ROLL?

18 THE SECRETARY: BOARD MEMBER EATON?

19 MEMBER EATON: AYE.

20 THE SECRETARY: FRAZEE?

21 MEMBER FRAZEE: AYE.

22 THE SECRETARY: JONES?

23 MEMBER JONES: AYE.

24 THE SECRETARY: RHOADS?

25 MEMBER RHOADS: AYE.

1 THE SECRETARY: CHAIRMAN PENNINGTON?

2 CHAIRMAN PENNINGTON: AYE.

3 THE MOTION CARRIES.

4 MEMBER JONES: MR. CHAIRMAN.

5 CHAIRMAN PENNINGTON: MR. JONES.

6 MEMBER JONES: I'D LIKE TO CONGRATULATE

7 THEM FOR PUTTING OIL IN ALL THEIR VEHICLES.

8 THAT'S WHAT I WAS TALKING ABOUT EARLIER ON THE

9 GOOD-FAITH EFFORT.

10 AND ALSO WOULD LIKE TO MOVE

11 RESOLUTION 98-3 26.

12 MEMBER FRAZEE: SECOND.

13 CHAIRMAN PENNINGTON: MR. FRAZEE SECONDS.

14 MR. JONES MOVES AND MR. FRAZEE SECONDS.

15 IF THERE ARE NO FURTHER QUESTIONS,

16 WILL THE SECRETARY CALL THE ROLL?

17 THE SECRETARY: BOARD MEMBER EATON?

18 MEMBER EATON: AYE.

19 THE SECRETARY: FRAZEE?

20 MEMBER FRAZEE: AYE.

21 THE SECRETARY: JONES?

22 MEMBER JONES: AYE.

23 THE SECRETARY: RHOADS?

24 MEMBER RHOADS: AYE.

25 THE SECRETARY: CHAIRMAN PENNINGTON?

1 CHAIRMAN PENNINGTON: AYE.

2 THE MOTION CARRIES.

3 I'LL MOVE RESOLUTION 98-3 27.

4 MEMBER FRAZEE: SECOND.

5 CHAIRMAN PENNINGTON: MR. FRAZEE SECONDS.

6 AND, NO FURTHER DISCUSSION? WILL THE

7 SECRETARY CALL THE ROLL?

8 THE SECRETARY: BOARDMEMBER EATON?

9 MEMBER EATON: AYE.

10 THE SECRETARY: FRAZEE?

11 MEMBER FRAZEE: AYE.

12 THE SECRETARY: JONES?

13 MEMBER JONES: AYE.

14 THE SECRETARY: RHOADS?

15 MEMBER RHOADS: AYE.

16 THE SECRETARY: CHAIRMAN PENNINGTON?

17 CHAIRMAN PENNINGTON: AYE.

18 THE MOTION CARRIES.

19 MOVE TO ITEM 14, CONSIDERATION OF

20 STAFF RECOMMENDATION ON THE ADEQUACY OF THE

21 HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITY OF

22 MONROVIA IN LOS ANGELES COUNTY. WHO'S --

23 MR. SCHIAVO: I WILL. PAT SCHIAVO FROM THE

24 OFFICE OF LOCAL ASSISTANCE WILL BE MAKING THE

25 PRESENTATION.

1 THE CITY OF MONROVIA HAS SUCCESSFULLY
2 MET ALL OF THE ADEQUACY REQUIREMENTS FOR
3 SUBMITTAL. THEY PLAN ON UTILIZING LOS ANGELES
4 COUNTY'S MOBILE RECYCLING PROGRAM.
5 THEY PLAN ON SUPPORTING THAT PROGRAM
6 THROUGH A NUMBER OF DIFFERENT OUTREACH EFFORTS.
7 ONE WILL BE DEVELOPING ENHANCED CURRICULA IN
8 SCHOOLS. ALSO PLAN ON USING PUBLIC SERVICE
9 ANNOUNCEMENTS. PLAN ON DEVELOPING MEDIA KITS TO
10 DISSEMINATE OUT TO THE PRESS.
11 THEY'VE MET ALL, LIKE I MENTIONED,
12 ALL OF THEIR REQUIREMENTS. STAFF HAS RECOMMENDED
13 APPROVAL OF THIS ITEM.

14 CHAIRMAN PENNINGTON: ANY QUESTIONS?

15 MR. EATON: WHAT WAS THE REASON THEY
16 WERE LATE? I NOTICE IT'S NOT IN HERE.

17 MR. SCHIAVO: I'M NOT AWARE OF -- I CAN
18 FIND THAT OUT FOR YOU IF YOU WOULD LIKE.

19 MR. EATON: THE REASON I WAS WONDERING,
20 IT'S SORT OF LIKE MR. FRAZEE, IT'S GOT, YOU KNOW, THE
21 ATTENTION FOCUSED ON THE RESOLUTIONS. WE KIND OF
22 SAY THAT IT WAS DONE IN ACCORDANCE WITH STATUTE
23 AND STUFF. AND I WAS JUST WONDERING THAT MAYBE
24 WE SHOULD PROBABLY IN OUR RESOLUTIONS SORT OF
25 TALK ABOUT THE FACT THAT THEY WERE EITHER LATE.

1 IF WE GRANTED AN EXTENSION THAT'S ONE THING, BUT
2 IF THEY'RE LATE WE OUGHT NOT TO BE SAYING THAT
3 THEY'RE IN ACCORDANCE WITH THE STATUTE.

4 MR. SCHIAVO: I BELIEVE THIS JURISDICTION
5 WAS ALLOWED AN EXTENSION BACK AT THE APRIL BOARD
6 MEETING. THERE'S A NUMBER OF THEM THAT RECEIVED
7 EXTENSIONS. I'M NOT SURE IF THEY CAME IN UNDER
8 THE WIRE ON THE EXTENSION OR NOT, THAT'S
9 SOMETHING I COULD CHECK.

10 CHAIRMAN PENNINGTON: ANY ADDITIONAL
11 QUESTIONS?

12 MEMBER FRAZEE: I'LL MOVE THE ADOPTION OF
13 RESOLUTION 98-330.

14 CHAIRMAN PENNINGTON: I'LL SECOND.
15 MR. FRAZEE MOVES THE ADOPTION OF
16 RESOLUTION 98-330, SECONDED BY THE CHAIR.
17 IF THERE'S NO FURTHER DISCUSSION,
18 WILL THE SECRETARY CALL THE ROLL?

19 THE SECRETARY: BOARD MEMBER EATON?

20 MEMBER EATON: AYE.

21 THE SECRETARY: FRAZEE?

22 MEMBER FRAZEE: AYE.

23 THE SECRETARY: JONES?

24 MEMBER JONES: AYE.

25 THE SECRETARY: RHOADS?

1 MEMBER RHOADS: AYE.

2 THE SECRETARY: CHAIRMAN PENNINGTON?

3 CHAIRMAN PENNINGTON: AYE.

4 THE MOTION CARRIES.

5 WE'LL MOVE TO ITEM 16, CONSIDERATION

6 OF STAFF RECOMMENDATION TO CHANGE THE BASE YEAR

7 FOR THE PREVIOUSLY-APPROVED SOURCE REDUCTION AND

8 RECYCLING ELEMENT FOR THE CITY OF MARTINEZ IN

9 CONTRA COSTA COUNTY.

10 MS. CARDOZO: GOOD AFTERNOON, AGAIN,

11 CHAIRMAN PENNINGTON AND BOARD MEMBERS. AGAIN,

12 FOR THE RECORD, CATHERINE CARDOZO WITH THE

13 BOARD'S OFFICE OF LOCAL ASSISTANCE, CENTRAL

14 SECTION.

15 ITEM NO. 16 IS THE CITY OF MARTINEZ',

16 IN CONTRA COSTA COUNTY -- THEIR REQUEST TO REVISE

17 THEIR 1990 BASE YEAR. AND PATTY MAHOWSHI

18 REPRESENTING THE CITY IS ALSO HERE TODAY AND

19 PREPARED TO ANSWER ANY QUESTION YOU MAY HAVE

20 ABOUT THEIR REQUEST.

21 I'D LIKE TO START MY PRESENTATION

22 WITH A LITTLE BACKGROUND HISTORY ON THE ISSUE OF

23 INACCURATE BASE YEARS. AND THIS WILL ALSO BE

24 PERTINENT TO THE NEXT TWO ITEMS AFTER THIS ONE.

25 IN 1995 BOARD STAFF BEGAN TO HEAR

1 CONCERNS FROM MANY JURISDICTIONS THAT THEIR BASE
2 YEAR NUMBERS, BOTH THE DISPOSAL AND DIVERSION
3 SIDE, WERE INACCURATE, AND THAT THIS WOULD MAKE
4 IT DIFFICULT OR IMPOSSIBLE FOR THEM TO
5 DEMONSTRATE ACHIEVEMENT OF THE '95 AND 2000
6 DIVERSION GOALS.
7 STAFF, THEREFORE, CONDUCTED A SURVEY
8 OF JURISDICTIONS TO IDENTIFY THE EXTENT OF THE
9 PROBLEM AND FOUND THAT THE PROBLEM WAS, INDEED,
10 WIDESPREAD AROUND THE STATE, AND THAT IT
11 WARRANTED FURTHER INVESTIGATION.
12 IN RESPONSE TO THIS CONCERN THE
13 BOARD'S LOCAL ASSISTANCE AND PLANNING COMMITTEE
14 DIRECTED STAFF, IN JANUARY OF 1996, TO FORM A
15 WORKING GROUP COMPOSED OF JURISDICTION AND WASTE
16 MANAGEMENT REPRESENTATIVES, AS WELL AS TECHNICAL
17 EXPERTS, TO LOOK AT THE PROBLEM AND TO DEVELOP
18 POTENTIAL SOLUTIONS. THE WORKING GROUP MET
19 SEVERAL TIMES THROUGHOUT 1996 AND IN EARLY '97,
20 AND IDENTIFIED COMMON REASONS FOR THE
21 INACCURACIES AND POSSIBLE SOLUTIONS.
22 THE WORKING GROUP PROPOSED METHODS TO
23 CORRECT INACCURACIES IN A MARCH, 1997, AGENDA
24 ITEM WHICH THE BOARD APPROVED. AND I WANTED TO
25 POINT OUT THAT IN THAT ITEM THERE WERE BOTH

1 METHODS THEY APPROVED AND METHODS THEY DID NOT
2 APPROVE.
3 THE LIST OF METHODS PROPOSED WAS NOT
4 AN EXCLUSIVE LIST, BUT RATHER A COMPILATION OF
5 THE METHODS JURISDICTIONS HAD, AT THAT POINT,
6 PROPOSED IN THEIR ANNUAL REPORTS THAT HAD BEEN
7 SUBMITTED TO STAFF FOR REVIEW. AND REVISING A
8 BASE YEAR TO REFLECT MORE CURRENT AND ACCURATE
9 DATA WAS DETERMINED TO BE AN APPROVED METHOD ONCE
10 SUFFICIENT DOCUMENTATION WAS SUBMITTED TO
11 SUBSTANTIATE THE REVISED BASE YEAR.
12 TO DATE THE BOARD HAS CONSIDERED AND
13 APPROVED APPROXIMATELY 70 BASE YEAR REVISIONS OR
14 CHANGES. AND BOARD STAFF ANTICIPATE BRINGING
15 MANY MORE REQUESTS BEFORE THE BOARD AS THE
16 BIENNIAL REVIEW PROCESS CONTINUES, AND AS
17 JURISDICTIONS GET A BETTER PICTURE OF THEIR WASTE
18 STREAM THAN WHAT WAS AVAILABLE IN 1990.
19 THE BOARD'S DISPOSAL REPORTING
20 SYSTEM, EFFECTIVE JANUARY 1 OF '95, IS HELPING
21 JURISDICTIONS AND THE BOARD TO BETTER UNDERSTAND
22 INDIVIDUAL JURISDICTIONS' DISPOSAL AMOUNTS.
23 MANY JURISDICTIONS ARE FINDING --
24 INCLUDING THE CITY OF MARTINEZ -- THAT SELF-HAUL
25 TONNAGE WAS BEING DISPOSED AT LANDFILLS NOT

1 INCLUDED IN THEIR ORIGINAL BASE YEAR DISPOSAL
2 TOTALS.
3 THE CITY HAS ALSO FOUND THEIR BASE
4 YEAR DISPOSAL HAD NOT INCLUDED THE DISPOSAL OF
5 SPECIAL WASTE, WHICH CONSISTS OF FILTER CAKE FROM
6 SOIL DREDGING AND EVAPORATION POND DREDGINGS
7 CONDUCTED BY SHELL OIL COMPANY AND ROM POLANK.
8 THE CITY, TO CALCULATE THE
9 DIFFERENCE, TOOK THE AVERAGE DISPOSAL OF THE
10 ADDITIONAL SELF-HAUL AND SPECIAL WASTE FOR THREE
11 YEARS, FROM 1995, '96, AND '97, AND ARE PROPOSING
12 TO ADD THIS ADDITIONAL TONNAGE TO THEIR -- THE
13 AVERAGE TO THEIR BASE YEAR.
14 AND THEY HAD COME TO US BEFORE AND WE
15 HAD ASKED IF THEY COULD WAIT UNTIL THEY HAD BOTH
16 '96 AND '97 DATA, THINKING JUST THE ONE YEAR WAS
17 NOT A REAL GOOD POINT TO BASE A CHANGE ON. SO
18 THEY HAVE SEVERAL YEARS TO SEE THAT IT LOOKS MORE
19 REASONABLE THIS WAY.
20 I ALSO WANTED TO POINT OUT, ON PAGE
21 16-2, THAT SHOULD BE THE CORRECT TABLE. I KNOW
22 EARLIER IT SEEMED THAT THERE WAS SOME CONFUSION
23 ON WHICH WAS THE CORRECT TABLE. BUT THAT SHOULD
24 BE THE ONE ON PAGE 16-2. JUST ADDING THE NUMBERS
25 ON THE TOP, THEY SHOULD ADD UP ON THE OTHER

1 TABLE. THEY DON'T.

2 ANYWAY, STAFF BELIEVE THAT THE

3 REQUEST HAS BEEN ADEQUATELY DOCUMENTED AND

4 RECOMMEND APPROVAL OF THE CITY'S REVISED BASE

5 YEAR.

6 THIS CONCLUDES MY PRESENTATION. DO

7 YOU HAVE ANY QUESTIONS?

8 CHAIRMAN PENNINGTON: QUESTIONS? MR.

9 JONES.

10 MEMBER JONES: THE SPECIAL WASTE THAT'S

11 COMING IN, DO THEY HAVE A REQUIREMENT TO RECYCLE

12 THAT WASTE?

13 MS. CARDOZO: A REQUIREMENT?

14 MEMBER JONES: YEAH. UNDER AB-939, ISN'T

15 SPECIAL WASTE EXCLUDED FROM DIVERSION?

16 MS. CARDOZO: IT DEPENDS ON WHAT THE

17 WASTE IS. THIS IS APPARENTLY CONTAMINATED SOIL,

18 THAT IF THERE WAS -- I THINK IT'S IN STATUTE --

19 IF THEY DO SOME KIND OF MONITORING IT COULD BE

20 USED AS A COVER, BUT ONLY IF THEY PASS THE

21 CRITERIA AND THE MONITORING. AND IT'S MY

22 UNDERSTANDING THAT IS NOT HAPPENING.

23 MAYBE PATTY COULD ADDRESS THAT?

24 MEMBER JONES: YEAH. BECAUSE MY QUESTION

25 WOULD BE, IF WE'RE ADDING IT TO THE DISPOSAL

1 TONNAGE BUT IT'S SOMETHING THAT CANNOT BE -- THAT
2 HAS AN EXCLUSION -- AND I DON'T KNOW IF IT DOES,
3 I KNOW THAT THERE'S SOME HAZARDOUS WASTE AND SOME
4 DESIGNATED WASTE, BUT WHETHER OR NOT SPECIAL
5 WASTE IS A CATEGORY OF DESIGNATED WASTE I DON'T
6 KNOW. I'M JUST WONDERING WHAT THE LOGIC IS
7 BEHIND INCLUDING THAT, IF IT DOESN'T COUNT
8 ANYWAY.

9 MS. MAHOWSHI: WELL, IT WASN'T COUNTED IN
10 THE 1990 --

11 CHAIRMAN PENNINGTON: WOULD YOU MIND JUST
12 --

13 MS. MAHOWSHI: OH, I'M SORRY.

14 CHAIRMAN PENNINGTON: NO, THAT'S ALL
15 RIGHT. JUST IDENTIFY YOURSELF SO THE COURT
16 REPORTER WILL KNOW.

17 MS. MAHOWSHI: I'M PATTY MAHOWSHI WITH
18 THE CITY OF MARTINEZ.

19 CHAIRMAN PENNINGTON: THANK YOU.

20 MS. MAHOWSHI: IN 1990 THE SPECIAL WASTES
21 WERE TAKEN TO THE KELLER CANYON LANDFILL, BUT
22 WERE NOT COUNTED IN THE BASE YEAR FOR THE CITY OF
23 MARTINEZ.

24 AND I'M NOT SURE IF THEY'RE EXEMPT --

25 THEY'RE NOT ABLE TO BE RECYCLED BECAUSE THEY'RE

1 CONSIDERED CONTAMINATED. AND I BELIEVE THEY'RE
2 MORE CONTAMINATED THAN A DESIGNATED WASTE, AS A
3 SPECIAL WASTE.

4 MEMBER JONES: SO THEY'RE GOING TO WHEREVER
5 UNDER--

6 MS. MAHOWSHI: THEY'RE GOING TO KELLER
7 CANYON LANDFILL.

8 MEMBER JONES: -- UNDER A VARIANCE. SO YOUR
9 RECYCLING RATE NOW IS 5.5 PERCENT OF THE WASTE
10 STREAM?

11 MS. MAHOWSHI: THAT WOULD BE IN 1990.

12 MEMBER JONES: '90?

13 MS. MAHOWSHI: RIGHT? THAT WOULD BE IN
14 1990.

15 RIGHT NOW I THINK WE'RE AT ABOUT 18
16 PERCENT FOR THIS--FOR '97.

17 MEMBER JONES: OKAY.

18 MS. MAHOWSHI: IN ADDITION, I JUST
19 RECENTLY STARTED AT THE CITY OF MARTINEZ, AND MY
20 NEXT PROPOSED PLAN OF ACTION IS TO CONTACT ROM
21 POLANK AND SHELL AND DETERMINE THE NATURE OF THE
22 WASTE, AND HAVE THEM AT LEAST WORK IN CONCERT
23 WITH THE CITY, IF THERE ARE ANY SPECIAL PROJECTS
24 GOING ON TO LET US KNOW, AND FIND OUT IF THERE
25 ARE ANY ALTERNATIVES FOR THOSE WASTES.

1 CHAIRMAN PENNINGTON: ANY ADDITIONAL
2 QUESTIONS? MR. RHOADS.

3 MEMBER RHOADS: I HAVE OF STAFF, JUST
4 QUESTIONS ABOUT THE OVERVIEW. IN WHAT YEAR DID
5 LOCALS DO THE 1990 BASE LINE?

6 MS. CARDOZO: I THINK THE WORK WAS DONE
7 IN BOTH '90 AND '91 BEFORE THAT ELEMENT WAS FINISHED.

8 MEMBER RHOADS: DID WE PROVIDE THEM WITH
9 ANY GUIDANCE OR WERE THEY JUST KIND OF LEFT ON
10 THEIR OWN TO DO?

11 MS. CARDOZO: WELL, WHEN I FIRST
12 STARTED WORKING HERE BACK IN SEPTEMBER OF 1990 WE
13 HAD EMERGENCY REGULATIONS, AND WE WERE TRYING TO
14 FINALIZE THE REGULATIONS, INTERPRET THE
15 REGULATIONS AND STATUTE TO THE PUBLIC ON HOW THEY
16 WERE SUPPOSED TO WRITE THEIR SHREES AND WRITE THE
17 REGS AT THE SAME TIME. SO WE DID GIVE THE
18 GUIDANCE THAT WE COULD WHILE WE WERE
19 UNDERSTANDING THE LAW AT THE SAME TIME.
20 THERE WAS SOME CONFUSION AT
21 BEGINNING ABOUT WHAT -- SOME WASTES WERE EXCLUDED
22 AND WHAT WASTES WERE NOT. I REMEMBER SLUDGE WAS
23 ONE THAT WAS NOT TO BE COUNTED, AND LATER IT WAS.
24 SO I DON'T KNOW PERSONALLY, WITH MARTINEZ, IF
25 THERE WAS DIRECT HELP WITH THEM IN WHAT TO DO

1 WITH THE SPECIAL WASTE.

2 BUT I KNOW A LOT OF JURISDICTIONS,

3 THEY USED LANDFILLS THAT THEIR FRANCHISED HAULERS

4 TOOK WASTE TO, AND WITH THE DISPOSAL REPORTING

5 SYSTEM THAT STARTED IN '95 THEY REALIZED THAT

6 THERE WERE A LOT OF OTHER LANDFILLS THAT WERE

7 BEING USED BY RESIDENTS, AND COMMERCIAL, AND

8 INDUSTRY THAN THEY HAD KNOWN ABOUT IN 1990. SO WE

9 HAVE HAD TO MAKE A LOT OF CHANGES BECAUSE OF

10 THAT, REVISIONS BECAUSE OF THOSE OMISSIONS.

11 MEMBER RHOADS: THANK YOU. THAT'S ALL

12 CHAIRMAN PENNINGTON: OKAY. ANY

13 ADDITIONAL QUESTIONS?

14 MEMBER JONES: NO. JUST THE IS SUE -- THE

15 LETTER THAT WE DID IN THE EX PARTE FROM CULVER

16 CITY OR WHEREVER IT WAS WHERE -- I MEAN, THESE

17 ARE THE CITY OF MARTINEZ' NUMBERS. EVERY NUMBER

18 THAT WE DEAL WITH IS A NUMBER GENERATED BY A CITY

19 OR COUNTY, NOT BY THIS WASTE BOARD.

20 OKAY. BECAUSE WHEN WE GET REQUESTS

21 TO WORK ON FIVE MILLION TONS, THEY'RE NOT OUR

22 NUMBERS. I MEAN, THAT IS NOT OUR TONNAGE. THAT

23 IS THEIR TONNAGE.

24 MS. CARDOZO: THAT'S RIGHT. THAT'S

25 RIGHT.

1 MEMBER JONES: OKAY. I MOVE RESOLUTION NO.

2 98-339.

3 MEMBER FRAZEE: I'LL SECOND.

4 CHAIRMAN PENNINGTON: IT'S BEEN MOVED BY

5 MR. JONES AND SECONDED BY MR. FRAZEE, THE

6 ADOPTION OF RESOLUTION 98-33 9.

7 IF THERE'S NO FURTHER DISCUSSION,

8 WILL THE SECRETARY CALL THE ROLL?

9 THE SECRETARY: BOARDMEMBER EATON?

10 MEMBER EATON: AYE.

11 THE SECRETARY: FRAZEE?

12 MEMBER FRAZEE: AYE.

13 THE SECRETARY: JONES?

14 MEMBER JONES: AYE.

15 THE SECRETARY: RHOADS?

16 MEMBER RHOADS: AYE.

17 THE SECRETARY: CHAIRMAN PENNINGTON?

18 CHAIRMAN PENNINGTON: AYE.

19 THE MOTION CARRIES.

20 WE'LL MOVE TO ITEM 17, CONSIDERATION

21 OF STAFF RECOMMENDATION TO CHANGE THE BASE-YEAR

22 FOR PREVIOUSLY APPROVED SOURCE REDUCTION AND

23 RECYCLING ELEMENT FOR THE UNINCORPORATED MARIPOSA

24 COUNTY.

25 MR. BLOCK: AND ERIC BISSINGER FROM

1 THE OFFICE OF LOCAL ASSISTANCE WILL BE MAKING
2 THIS PRESENTATION. THIS WILL BE ERIC'S FIRST
3 PRESENTATION ALSO.

4 CHAIRMAN PENNINGTON: WELCOME.

5 MR. BISSINGER: THANK YOU. GOOD

6 AFTERNOON, MR. CHAIRMAN AND BOARD MEMBERS. I AM
7 PRESENTING MARIPOSA'S REQUEST TO CHANGE THEIR
8 BASE-YEAR, AGENDA ITEM NO. 17.

9 WHEN MARIPOSA REEXAMINED THEIR BASE-
10 YEAR STUDY THEY DISCOVERED THAT THEIR VOLUME-TO
11 WEIGHT CONVERSION FACTOR FOR SELF-HAULED,
12 UNCOMPACTED WASTE WAS COMPARABLY LOW TO
13 SURROUNDING COMMUNITIES. THE COUNTY ORIGINALLY
14 USED A VOLUME-TO-WEIGHT CONVERSION FACTOR OF 175
15 POUNDS PER CUBIC YARD.

16 BY RESEARCHING THE CONVERSION FACTORS
17 OF SIMILAR JURISDICTIONS SUCH AS AMADOR,
18 CALAVARAS, MENDOCINO, AND PLUS AVAILABLE WASTE
19 MANAGEMENT STUDY GUIDES, MARIPOSA FOUND THAT THE
20 VOLUME-TO-WEIGHT CONVERSION FACTORS FOR SELF
21 HAULED, UNCOMPACTED WASTE RANGED BETWEEN 220 AND
22 300 POUNDS PER CUBIC YARD. THE COUNTY AVERAGED
23 THESE CONVERSION FACTORS AND DECIDED UPON 249
24 POUNDS PER CUBIC YARD.

25 STAFF FEELS THAT THE CHANGE FROM 175

1 POUNDS PER CUBIC YARD TO 249 IS WELL DOCUMENTED

2 AND REASONABLE.

3 THAT CONCLUDES MY PRESENTATION. AND

4 I CAN ANSWER ANY QUESTIONS.

5 CHAIRMAN PENNINGTON: QUESTIONS? IF NOT,

6 I'LL ENTERTAIN A MOTION. OKAY, I'LL MOVE FOR THE

7 ADOPTION OF RESOLUTION 98-346.

8 MEMBER JONES: I'LL SECOND IT. I JUST

9 DIDN'T WANT TO DOMINATE.

10 CHAIRMAN PENNINGTON: OKAY. THE CHAIR

11 MOVED AND MR. JONES SECONDED THE ADOPTION OF

12 RESOLUTION 9 8-346.

13 IF THERE IS NO FURTHER DISCUSSION,

14 WILL THE SECRETARY CALL THE ROLL PLEASE?

15 THE SECRETARY: BOARD MEMBER EATON?

16 MEMBER EATON: AYE.

17 THE SECRETARY: FRAZEE?

18 MEMBER FRAZEE: AYE.

19 THE SECRETARY: JONES?

20 MEMBER JONES: AYE.

21 THE SECRETARY: RHOADS?

22 MEMBER RHOADS: AYE.

23 THE SECRETARY: CHAIRMAN PENNINGTON?

24 CHAIRMAN PENNINGTON: AYE.

25 THE MOTION CARRIES.

1 WE'LL MOVE TO ITEM 18, CONSIDERATION
2 OF STAFF RECOMMENDATION TO CHANGE THE BASE-YEAR
3 FOR THE PREVIOUSLY APPROVED SOURCE REDUCTION AND
4 RECYCLING ELEMENT FOR THE CITY OF VICTORVILLE IN
5 SAN BERNARDINO COUNTY.

6 MR. BLOCK: AND CATHERINE CARDOZO WILL
7 BE MAKING THAT PRESENTATION FOR YOU.

8 MS. CARDOZO: GOOD AFTERNOON AGAIN. ITEM
9 NO. 18 IS THE CITY OF VICTORVILLE'S REQUEST TO
10 REVISE THEIR 1990 BASE-YEAR BASED ON MORE
11 ACCURATE DISPOSAL DATA FOR 1990.
12 A MULTI-JURISDICTIONAL SOLID WASTE
13 GENERATION STUDY WAS CONDUCTED FOR THE DESERT AND
14 MOUNTAIN COALITION OF SAN BERNARDINO COUNTY, OF
15 WHICH VICTORVILLE IS A MEMBER. THE DISPOSAL
16 AMOUNT CALCULATED WAS ALLOCATED TO THE NINE
17 JURISDICTIONS IN THE COALITION, INCLUDING
18 VICTORVILLE.

19 BASED ON MORE ACCURATE BOARD OF
20 EQUALIZATION RECORDS FOR LANDFILL DISPOSAL IN
21 1990, THE COALITION-WIDE BASE-YEAR DISPOSAL WAS
22 APPROXIMATELY 40,000 TONS MORE THAN WAS
23 ORIGINALLY CALCULATED.

24 THE CITY BELIEVES VICTORVILLE'S
25 ORIGINAL PERCENTAGE OF THE COALITION'S TOTAL

1 DISPOSAL IS STILL ACCURATE, WHICH IS
2 APPROXIMATELY 16 PERCENT, SO THEY'RE PROPOSING TO
3 APPLY THAT PERCENTAGE TO THE ADDITIONAL TONNAGE
4 FOR A NEW, MORE ACCURATE BASE-YEAR.
5 BOARD STAFF BELIEVE THE REQUEST HAS
6 BEEN ADEQUATELY DOCUMENTED AND RECOMMEND APPROVAL
7 OF THE CITY'S REVISED BASE-YEAR.
8 THAT CONCLUDES MY PRESENTATION. DO
9 YOU HAVE ANY QUESTIONS?

10 CHAIRMAN PENNINGTON: QUESTIONS?

11 MR. JONES: I'D LOVE TO KNOW WHO THE
12 CONSULTANT WAS. NO.

13 I'LL MOVE RESOLUTION 98-324.

14 CHAIRMAN PENNINGTON: I NEED A SECOND.
15 DID I HEAR MR. RHOADS SECOND THERE?

16 MEMBER RHOADS: YES, YOU DID.

17 MEMBER FRAZEE: JUST A COMMENT ON THIS
18 ONE. I NOTE THAT THE BOARD-APPROVED DIVERSION
19 RATE WAS PRETTY LOW FOR THIS JURISDICTION. BUT
20 SINCE THIS TIME THEY HAVE BUILT A MAJOR
21 MOVE IN THAT AREA, AND I THINK THEY'RE
22 WELL ON THEIR WAY TO MEETING DIVERSION
23 REQUIREMENTS.

24 MS. CARDOZO: THEIR BIENNIAL REVIEW
25 SHOULD BE COMING IN DECEMBER, I BELIEVE.

1 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN
2 MOVED BY MR. JONES, SECONDED BY MR. RHOADS, THE
3 ADOPTION OF RESOLUTION 98-324.

4 IF THERE IS NO FURTHER DISCUSSION,
5 WILL THE SECRETARY CALL THE ROLL?

6 THE SECRETARY: BOARDMEMBER EATON?

7 MEMBER EATON: AYE.

8 THE SECRETARY: FRAZEE?

9 MEMBER FRAZEE: AYE.

10 THE SECRETARY: JONES?

11 MEMBER JONES: AYE.

12 THE SECRETARY: RHOADS?

13 MEMBER RHOADS: AYE.

14 THE SECRETARY: CHAIRMAN PENNINGTON?

15 CHAIRMAN PENNINGTON: AYE.

16 THE MOTION CARRIES.

17 THANK YOU ALL FOR YOUR PRESENTATIONS,

18 PARTICULARLY THOSE NEW PEOPLE THAT APPEARED

19 BEFORE US THIS AFTERNOON.

20 OKAY. WE'RE GOING TO MOVE TO ITEM

21 NO. 19, CONSIDERATION OF PROJECT RECYCLE PROGRAM

22 OVERVIEW AND REPORT TO THE LEGISLATURE, IN

23 RESPONSE TO THE SUPPLEMENTAL REPORT OF THE 1998

24 BUDGET ACT. PHIL MORALEZ.

25 MS. FRIEDMAN: YES. GOOD AFTERNOON

1 CHAIRMAN PENNINGTON AND BOARD MEMBERS. PHIL
2 MORALEZ WILL BE MAKING THE PRESENTATION FOR
3 STAFF. AND, WITH THAT, I THINK I'LL JUST TURN IT
4 OVER TO PHIL.

5 MEMBER MORALEZ: ALL RIGHT. I THINK WE'RE
6 READY FOR THE SHOW.

7 CHAIRMAN PENNINGTON: VERY GOOD. GO
8 AHEAD, PHIL.

9 MEMBER MORALEZ: CHAIRMAN PENNINGTON AND
10 BOARD MEMBERS. I WOULD LIKE TO BRIEFLY WALK YOU
11 THROUGH MY PRESENTATION AND PROVIDE YOU WITH SOME
12 CONTEXT ON HOW IT WILL ADDRESS THE ISSUES RAISED
13 IN THE LEGISLATIVE ANALYST'S REPORT, AND AT THE
14 SAME TIME PAINT THE PICTURE OF THE FUTURE FOR
15 PROJECT RECYCLE.
16 THOUGH THIS REPORT HAS BEEN DRAFTED
17 AS A TECHNICAL RESPONSE TO MANY OF THE QUESTIONS
18 RAISED IN THE LAO REPORT, MY PRESENTATION WILL
19 NOT NECESSARILY FOLLOW THE ORDER OF TEXT IN THE
20 REPORT. HOWEVER, I WILL SHOW HOW THE RECOMMENDED
21 ACTIONS WORK TOGETHER AS AN INTEGRATED PROCESS TO
22 ACHIEVE THE OBJECTIVES OF THE PROGRAM, AND HOW
23 THESE RECOMMENDATIONS WOVEN TOGETHER PAINT OUR
24 PICTURE FOR THE FUTURE.

25 IT HAS BEEN SAID THAT TO SEE OUR

1 FUTURE WE MUST TAKE A LOOK BACK AT WHERE WE'VE
2 BEEN. PRIOR TO 1991, THE PROGRAM KNOWN AS
3 PROJECT RECYCLE WAS MANAGED BY THE DEPARTMENT OF
4 GENERAL SERVICES, OFFICE OF RECORD MANAGEMENT.
5 AT THAT TIME IT OPERATED IN 150 STATE OFFICES AND
6 BUILDINGS, WAS PRIMARILY A PAPER-ONLY PROGRAM,
7 AND CONSISTED OF FOUR CONTRACTS.
8 IN 1991 THE PROGRAM WAS TRANSFERRED
9 TO THE INTEGRATED WASTE MANAGEMENT BOARD. UPON
10 ASSUMING THE PROGRAM RESPONSIBILITIES WE
11 CONTINUED TO PURCHASE RECYCLING CONTAINERS,
12 PURCHASE BINS AND BALERS, SIGNS, EDUCATIONAL
13 MATERIALS, PROVIDE TRAINING, AND INITIATE
14 CONTRACTS FOR THE COLLECTION OF MATERIALS.
15 WE ALSO DEVELOPED A REPORTING SYSTEM
16 TO CAPTURE IMPORTANT INFORMATION REGARDING STATE
17 DIVERSION EFFORTS. THE PROGRAM BOTTOM LINE HAS
18 BEEN TO INCREASE THE NUMBER OF STATE FACILITIES
19 WITH RECYCLING PROBLEMS, AND TO INCREASE THE
20 AMOUNT OF MATERIALS COLLECTED AND DIVERTED. TO
21 THIS END, I AM PLEASED WITH WHAT WE HAVE BEEN
22 ABLE TO ACCOMPLISH THUS FAR WITH LIMITED STAFF
23 RESOURCES.
24 ON PAGE TWO OF THE REPORT YOU'LL FIND
25 THIS CHART WHICH IDENTIFIES THE INCREASE IN THE

1 NUMBER OF STATE FACILITIES WITH RECYCLING
2 PROGRAMS. FROM 1991 TO 1998 THERE WAS AN
3 INCREASE OF 1200 PERCENT OR, FROM A NUMERICAL
4 STANDPOINT 150 FACILITIES TO OVER 1800
5 FACILITIES.
6 ALSO ON PAGE TWO OF THE REPORT YOU
7 WILL FIND CHART NUMBER ONE, WHICH SHOWS THE
8 INCREASING AMOUNT OF MATERIAL REPORTED RECYCLED.
9 IN 1991 TO THE PRESENT THERE WAS AN INCREASE OF
10 715 PERCENT, FROM 2,000 TONS PER YEAR
11 REPORTED TO OVER 35,000 PER YEAR.
12 IN THIS REPORT THERE ARE MANY
13 ACCOMPLISHMENTS THE STAFF HAS BEEN ABLE TO
14 ACHIEVE OVER THE LAST SEVERAL YEARS. I WOULD
15 LIKE TO TAKE JUST A FEW MINUTES TO HIGHLIGHT SOME
16 OF THOSE ACCOMPLISHMENTS.
17 IN 1991 THE FOUR CONTRACTS THAT
18 GENERAL SERVICES HAD INITIATED WERE PRIMARILY
19 CONCERNED WITH PAPER. WE EXPANDED TO INCLUDE
20 THE COLLECTION OF OVER 77 DIFFERENT MATERIAL
21 TYPES. WE IMPLEMENTED 14 STATE DIVERSION
22 CONTRACTS WHICH INCLUDED SUCH ITEMS AS SCRAP
23 PAPER, METALS, TEXTILES, WOODEN PALLETS,
24 TELEPHONE DIRECTORIES, LASER TONER AND INK JET
25 CARTRIDGES.

1 WE HAVE DEVELOPED MODEL WASTE
2 DIVERSION PROGRAMS FOR COLLEGES AND UNIVERSITIES
3 TO FOLLOW THROUGH INTER-AGENCY AGREEMENT WITH THE
4 CALIFORNIA STATE UNIVERSITIES OF HUMBOLDT, SAN
5 FRANCISCO, AND SAN MARCOS.
6 WE'VE TAKEN AN ACTIVE ROLE TO WORK
7 WITH GENERAL SERVICES IN THE DESIGN OF STATE
8 OFFICES, TO BUILD IN A RECYCLING INFRASTRUCTURE.
9 THOSE BUILDINGS HAVE INCLUDED THE E. LOU HARRIS
10 BUILDING IN OAKLAND, THE SAN FRANCISCO CIVIC
11 CENTER, THE ATTORNEY GENERAL'S BUILDING IN
12 SACRAMENTO, THE STATE OFFICE BUILDING IN SAN
13 BERNARDINO, AND, YES, EVEN OUR OWN CAL EPA
14 BUILDING HERE IN SACRAMENTO.
15 I WOULD BE REMISS IN NOTING THE
16 ACCOMPLISHMENTS TO ALSO NOT -- IN NOT
17 ACKNOWLEDGING STAFF'S ROLE IN THIS, AND I NEED TO
18 GIVE CREDIT TO THOSE MEMBERS OF STAFF -- JIM
19 CRAWFORD, THE SENIOR, GWEN WAKELY, JESSIE
20 ADAMS AND SUZANNE GANDY, AND CLAIRE MILLER --
21 WHO HAVE TAKEN AN ACTIVE ROLE IN INITIATING MANY
22 OF THESE CHANGES.
23 ON PAGE FOUR OF THE REPORT, TABLE
24 ONE, WE HAVE BEEN ABLE TO IDENTIFY AT LEAST 3319
25 STATE FACILITIES.

1 NOW, BASED ON THE NUMBER OF TOTAL
2 FACILITIES BOTH OWNED AND STATE-OWNED AND
3 STATE-LEASED, 56 PERCENT OF THEM -- OF THOSE SITES
4 IDENTIFIED HAVE SOME RECYCLING PROGRAM.
5 THE LAO, IN THEIR REPORT, WAS
6 CRITICAL OF STATE FACILITIES, AND MADE SOME
7 CALCULATIONS THAT INDICATED THAT STATE FACILITIES
8 WERE RECYCLING AT A RATE OF THREE PERCENT.
9 HOWEVER, IN CALCULATING THE DATABASE
10 ON ACTUAL TONNAGES DIVERTED BY THOSE FACILITIES
11 REPORTING TO US, AND TAKING INTO THAT EQUATION
12 FACTORS FROM THE IWMB WASTE CHARACTERIZATION
13 DATABASE AND OTHER STUDIES DONE, WE BELIEVE THE
14 DIVERSION RATE FOR FACILITIES REPORTING ESTIMATED
15 CLOSER TO 12 PERCENT.
16 PROJECT RECYCLE HAS HAD THE UNIQUE ABILITY TO BE
17 A REVENUE-GENERATING PROGRAM. PUBLIC CONTRACT CODE
18 SECTION 12167 ALLOWS THE IWMB TO RECEIVE REVENUES
19 GENERATED FROM THE SALE OF RECYCLABLE MATERIALS,
20 AND TO USE THOSE FUNDS TO OFFSET PROGRAM COSTS.
21 THE ABOVE CHART, FOUND ON PAGE FIVE
22 OF THE REPORT, USES ONLY THE REVENUE GENERATED
23 FROM THE COLLECTION AND SALE OF WHITE PAPER IN
24 THE SACRAMENTO AREA. THE REASON WE HAVE USED
25 THIS FIGURE IS BECAUSE WHITE PAPER IS THE PRIMARY

1 SOURCE OF REVENUE AND IS THE LEADING INDICATOR OF
2 OUR FUND CONDITION. DURING THE FISCAL YEAR 1997-
3 98 WE RECEIVED \$207,000 IN REVENUE AND WE
4 EXPENDED \$159,000.
5 OVERALL, YOU CAN SEE THAT EVEN WITH
6 THE INCREASE IN MATERIALS COLLECTED THE REVENUE
7 HAS BEEN FAIRLY CONSTANT. THERE IS THAT HIGH BAR
8 IN THE CHART IN 1994-95, WHEN MARKETING
9 CONDITIONS WERE FAVORABLE AND MARKET PRICES HIT
10 AN ALL-TIME HIGH.
11 SINCE THAT TIME MATERIAL PRICES HAVE
12 DECLINED AND PROGRAM REVENUES HAVE DECLINED
13 CORRESPONDINGLY. FOR THAT REASON WE HAVE
14 CONTINUED TO MAINTAIN A SUFFICIENT RESERVE TO
15 ENSURE THAT FUNDS ARE AVAILABLE TO MAINTAIN
16 EXISTING PROGRAMS AND ADD NEW FACILITIES.
17 BECAUSE THE BOARD RECEIVES NO FUNDS
18 TO PURCHASE EQUIPMENT, CONTAINERS, OR EDUCATIONAL
19 MATERIALS TO IMPLEMENT THE PROGRAM THE FUNDS
20 RECEIVED FROM THE SALE OF RECYCLED MATERIALS ARE
21 CRITICAL TO PROGRAM CONTINUATION. FOR THAT
22 REASON THE LEGISLATURE HAS ALLOWED FOR THE
23 CONTINUOUS APPROPRIATION OF THOSE DOLLARS AND HAS
24 GIVEN THE BOARD APPROPRIATION AUTHORITY TO EXPEND
25 UP TO \$670,000 ANNUALLY.

1 BECAUSE PROJECT RECYCLE HAS BEEN A
2 PROGRAM THAT DOES NOT RECEIVE OUTSIDE FUNDS TO
3 IMPLEMENT WASTE DIVERSION, IT HAS BEEN A UNIQUE
4 CHALLENGE TO GENERATE REVENUES THAT WOULD ALLOW
5 FOR PROGRAM GROWTH AND IMPLEMENTATION OF NEW AND
6 EXPANDING PROGRAMS. TO THAT END, I BELIEVE WE
7 HAVE ALSO BEEN SUCCESSFUL.

8 WHEN I CAME TO THE BRANCH OVER TWO
9 YEARS AGO I BEGAN TO REALIZE THAT THE CONTINUED
10 SUCCESS OF THIS PROGRAM WOULD REQUIRE THAT WE
11 LOOK AT THE OPERATION OF THIS PROGRAM FROM A
12 BUSINESS PERSPECTIVE. WE NEEDED TO SHOW PROFITS,
13 IN THIS CASE REVENUES, AND WE NEEDED TO BALANCE
14 THOSE REVENUES WITH EXPENDITURES. WHEN YOU LOOK
15 AT THE FIGURES OF REVENUE EXPENDITURES FOR FISCAL
16 YEAR '97-98 WE HAVE MET THAT OBJECTIVE.

17 BUT WHAT OF THE FUTURE? AS I NOTED
18 IN MY INTRODUCTORY COMMENTS, MY GOAL TODAY IS TO
19 PAINT OUR PICTURE FOR THE FUTURE. WE ARE
20 REDEFINING THE WAY THIS PROGRAM OPERATES AND HOW
21 WE WILL BE DOING BUSINESS IN THE FUTURE. LIKE
22 ALL SUCCESSFUL BUSINESSES, WE MUST HAVE A WELL
23 DEFINED BUSINESS PLAN, WITH A PLAN OF OPERATION.
24 IN ORDER TO SUCCESSFULLY IMPLEMENT
25 THIS PLAN OF OPERATION WE NEED TO TAKE INTO

1 CONSIDERATION FIVE CRITICAL PROGRAM INITIATIVES.
2 THE FIRST OF THOSE IS THE NEED TO
3 IDENTIFY THE UNIVERSE OF FACILITIES THAT ARE OUT
4 THERE. THE ISSUE, OF COURSE, IS THAT NOT ALL
5 STATE GOVERNMENT ENTITIES ARE REQUIRED TO
6 ESTABLISH RECYCLING PROGRAMS AND THEY'RE NOT
7 REPRESENTED. QUASI-AUTONOMOUS STATE FACILITIES,
8 UNIVERSITIES OF CALIFORNIA, COMMUNITY COLLEGES,
9 AND CALIFORNIA STATE UNIVERSITIES ARE EXEMPT FROM
10 WHAT IS MANDATED TO MOST STATE AGENCIES.
11 OUR RECOMMENDATION? YOU WOULD FIND
12 IN OUR PROPOSAL RECOMMENDATION NUMBER FOUR, WHICH
13 WOULD BE TO INCLUDE ALL STATE ENTITIES UNDER
14 STATE AGENCY RECYCLING MANDATES. WE WOULD AMEND
15 PUBLIC CONTRACT CODE SECTION 12164.5 THROUGH
16 12167.1, AND ALSO 12159, TO INCLUDE ALL STATE
17 ENTITIES REGARDLESS OF THEIR QUASI-STATUS.
18 IN THE LAO REPORT THEY MADE NO
19 DISTINCTION BETWEEN THOSE DEPARTMENTS AND
20 AGENCIES THAT WERE REQUIRED TO REPORT VERSUS
21 THOSE WHO WERE NOT. IF WE ARE TO BE HELD
22 RESPONSIBLE FOR ALL STATE AGENCIES THEN ALL
23 SHOULD BE REQUIRED TO MEET THE PROGRAM MANDATES.
24 ANOTHER IMPORTANT ISSUE HERE IS THERE
25 IS NO CURRENT UPDATE OF STATE FACILITY DATABASE.

1 MEANING WE DON'T KNOW WHERE EVERYONE'S AT. THE
2 PROBLEM WITH THAT IS THAT WE HAVE NO SINGLE POINT
3 OF ABILITY TO FIND OUT WHERE THE FACILITIES ARE
4 SO WE CAN INITIATE PROGRAMS, OR DETERMINE WHETHER
5 PROGRAMS ARE IN FACT IN PLACE. WITHOUT ACCURATE
6 DATA AS TO WHO'S OUT THERE, WE CAN'T DETERMINE
7 WHETHER ALL FACILITIES HAVE RECYCLING PROGRAMS.
8 OUR RECOMMENDATION IS TO REQUIRE DGS
9 TO PROVIDE A COMPREHENSIVE LIST. AND THAT MAY
10 SEEM LIKE A SIMPLE TASK, BUT IN AN EARLIER
11 DISCUSSION WITH BOARD MEMBER FRAZEE, HE ALLUDED
12 TO THE FACT THAT THERE HAD BEEN A HEARING DONE
13 WITH DEPARTMENT OF GENERAL SERVICES, AND SOME OF
14 THOSE SIMPLE TASKS SEEMED TO BE MORE DIFFICULT TO
15 OBTAIN.
16 MUCH OF THE DATA THAT WE HAVE COMES
17 FROM MORE THAN ONE SOURCE. WHEN ASKING DGS TO
18 PROVIDE US A LIST THEY'RE UNABLE TO DO SO. I CAN
19 RECALL ONE STAFF MEMBER TELLING ME, IN MAKING A
20 TRIP TO VIEW A STATE SITE AND FINDING A VACANT
21 LOT IN THAT ADDRESS. SO, AGAIN, THE DIFFICULTY
22 OF IMPLEMENTING A PROGRAM WITHOUT A COMPREHENSIVE
23 LIST MAKES IT DIFFICULT TO BE RESPONSIVE TO THE
24 LAO'S CONCERN.
25 THE SECOND ELEMENT THAT WE NEED TO

1 ADDRESS IS A NEED FOR A BASELINE WASTE DATABASE
2 FOR STATE FACILITIES. CURRENTLY THE ISSUE IS
3 THAT WE HAVE INCOMPLETE DATA ON WASTE GENERATION
4 AND DISPOSAL FOR STATE OFFICES. WE DO NOT HAVE A
5 COMPLETE PICTURE OF WHAT'S OUT THERE AND THE
6 TYPES OF WASTE THAT'S BEING GENERATED. AND WE
7 ALSO DON'T KNOW THE AMOUNTS OF MATERIAL THAT'S
8 BEING DIVERTED AND DISPOSED OF.
9 OUR RECOMMENDATION WOULD BE TO
10 CONDUCT A WASTE GENERATION AND DISPOSAL
11 CHARACTERIZATION STUDY, AND THERE WOULD BE
12 SEVERAL BENEFITS IN DOING THAT. ONE, WE'D BE
13 ABLE TO IDENTIFY MAJOR WASTE TYPES. WE'D BE ABLE
14 TO IDENTIFY POTENTIALS FOR REDUCTION, REUSE,
15 RECYCLING, AND OTHER DIVERSION PROGRAMS. WE'D BE
16 ABLE TO FIND OUT WHAT OUR POTENTIAL REVENUES
17 REALLY ARE. AND WE'D BE ABLE TO HELP TARGET
18 PROGRAMS AND HAVE A MORE FOCUSED APPROACH FOR A
19 MORE EFFECTIVE PROJECT.
20 THE NEXT AREA OF THE INITIATIVE THAT
21 WE NEED TO LOOK AT IS TO IDENTIFY THE ROLES AND
22 RESPONSIBILITIES. HERE WE HAVE CURRENTLY A
23 SITUATION WHERE THE CIWMB'S TASK CONSISTS OF
24 INITIATING CONTRACTS, PURCHASING EQUIPMENT,
25 DEVELOPING MEASUREMENT AND REPORTING STANDARDS,

1 PROVIDING TRAINING AND ASSISTANCE, AND DEVELOPING
2 EDUCATIONAL MATERIALS.
3 DEPARTMENTS HAVE A CORRESPONDING ROLE
4 IN THAT THEY ARE TO USE OUR CONTRACTS, PROVIDE
5 SOME COORDINATION WITH STAFF, DEVELOP SOME
6 PROGRAM IMPLEMENTATION OF THEIR OWN AND, OF
7 COURSE, REPORT THE RESULTS.
8 THE IS SUE FOR US IS THAT THERE IS NO
9 CENTRAL POINT OF RESPONSIBILITY FOR THOSE
10 DEPARTMENTS. THE PROGRAMS HAVE NO LEVEL OF
11 PRIORITY WITHIN THEIR OWN JURISDICTION. THERE IS
12 NO CENTRAL POINT OF CONTACT FOR US TO WORK WITH,
13 AND IN MANY CASES WE OFTEN GET NO REPORTS OR
14 INFORMATION TO PROVIDE WHAT'S ACTUALLY GOING OUT.
15 OUR RECOMMENDATION IS TO REQUIRE EACH
16 DEPARTMENT TO APPOINT A RECYCLING COORDINATOR.
17 THE LAW CURRENTLY PROVIDES THAT DEPARTMENTS MAY
18 APPOINT. WHAT WE'RE LOOKING AT IS THAT
19 DEPARTMENTS SHALL APPOINT.
20 NOW, IN SOME DEPARTMENTS IT MAY NOT
21 BE REASONABLE TO EXPECT SOMEONE TO BE APPOINTED
22 FULL TIME. YOU KNOW, QUITE OFTEN IN SMALLER
23 DEPARTMENTS ONE INDIVIDUAL WEARS MORE THAN ONE
24 HAT. OBVIOUSLY, THIS WOULD BE AN ADDITIONAL HAT
25 THAT SOMEONE MIGHT HAVE TO WEAR, BUT IT WOULD BE

1 AN IMPORTANT HAT AS IT RELATES TO THE BOARD'S
2 GOALS, AND TO THE STATE'S GOALS IN DIVERSION.
3 IN THOSE OTHER LARGE DEPARTMENTS,
4 SUCH AS CORRECTIONS, CALTRANS, DMV, IT IS
5 CRITICAL THAT THERE BE ONE CENTRAL PERSON TO BE
6 ABLE TO WORK THROUGH WITH THIS PROGRAM. IT
7 PROVIDES AN EFFICIENCY LEVEL OF COORDINATION, AND
8 ASSURES THAT THE INFORMATION THAT WE NEED TO
9 REPORT BACK TO THE LEGISLATURE IS THERE.
10 HOWEVER, ALL OF THIS REQUIRES GROWTH.
11 AND AS A RESULT, IN LOOKING AT WHAT WE'RE ASKING
12 TO BE DONE FOR THE PROGRAM, AND PAINTING THAT
13 PICTURE, WE WOULD NEED EIGHT
14 ADDITIONAL PY.
15 THE INCREASE IN THE PROGRAMS WOULD
16 DOUBLE, THE INCREASE IN TRAINING NEEDS WOULD
17 PROBABLY TRIPLE BECAUSE THE SITES WOULD MORE THAN
18 TRIPLE. THE DIRECT ASSISTANCE TO PROGRAM
19 IMPLEMENTATION WILL BECOME CRITICAL. THERE WOULD
20 BE AN INCREASE IN THE NUMBER OF CONTRACTS. AND
21 THERE WOULD BE A GREATER NEED FOR A COORDINATED
22 EFFORT FOR THE BOARD WITH OTHER PROGRAMS SUCH AS
23 TIA AND THE WASTE PREVENTION AND MARKET
24 DIVISION.
25 HOWEVER, BEING IN STATE SERVICE A

1 LONG TIME, I'VE ALWAYS BEEN ASKED THIS QUESTION:
2 50 HOW ARE YOU GOING TO PAY FOR IT? WHERE IS THE
3 FUNDS GOING TO COME FROM?
4 V I THINK IT'S IMPORTANT TO NOTE THAT
5 THE QUESTION, WHEN ONE HEARS THAT, IS THAT WE'RE
6 NOT ASKING FOR ADDITIONAL FUNDING. AS NOTED
7 EARLIER IN MY PRESENTATION, THE PCC PROVIDES THAT
8 REVENUES FROM THE SALE OF RECYCLABLE MATERIALS
9 SHALL GO TO THE BOARD TO OPERATE THIS PROGRAM.
10 IN ADDITION, THE LEGISLATURE HAS
11 ALREADY PROVIDED THAT THOSE FUNDS ARE
12 CONTINUOUSLY APPROPRIATED FOR THAT PURPOSE.
13 WE BELIEVE THAT THERE ARE SUFFICIENT
14 DOLLARS BEING GENERATED THAT WE ARE NOT YET
15 RECEIVING THAT WOULD FUND THESE POSITIONS.
16 THOUGH THROUGH THE DEVELOPMENT OF INCENTIVES, WE
17 BELIEVE THAT WE COULD RECOVER MORE OF THOSE
18 FUNDS.
19 SUCH ACTIONS AS THE ESTABLISHED RATE
20 OF AN ADMINISTRATIVE FEE, WHICH WOULD ALLOW SOME
21 OF THE LARGER GENERATORS, LIKE CORRECTIONS AND
22 CALTRANS, TO KEEP SOME OF THE FUNDS, WITH SOME
23 PROVISIONS AND WITH AN ADMINISTRATIVE FEE THAT
24 WOULD PROVIDE REVENUES TO MAINTAIN THE PROGRAM,
25 WOULD BE ONE ALTERNATIVE. WE COULD BUILD IN

INCENTIVES INTO A FEE STRUCTURE THAT PROVIDED A
2 REDUCED FEE IF DEPARTMENTS MET THEIR WASTE
3 DIVERSION GOALS, AND AN INCREASED FEE IF THEY
4 DIDN'T.

5 IN ADDITION, REVENUES WOULD CONTINUE
6 TO INCREASE AS MORE DEPARTMENTS CAME UNDER THE
7 PROGRAM MANDATES, THROUGH THE USE OF BOARD
8 CONTRACTS AND THE SUBMISSION OF ALL REVENUES.
9 OUR RECOMMENDATION WOULD BE FOUND IN
10 RECOMMENDATION NO. 3 IN THE REPORT, WHICH WOULD
11 PROVIDE THAT WE AMEND PCC SECTION 12167 TO
12 PROVIDE GREATER MANDATES TO STATE AGENCIES, AND
13 IN ESSENCE, WOULD IMPLEMENT SOME OF THE
14 SUGGESTIONS WE'VE NOTED ABOVE.

15 ADDITIONAL RESOURCES WILL PROVIDE US
16 THE ABILITY TO INTEGRATE ASSISTANCE IN WORKING
17 WITH CONTRACTORS, RECYCLERS, AND LOCAL GOVERNMENT
18 ENTITIES. WE ARE OFTEN ASKED BY MANY AGENCIES TO
19 PROVIDE DIRECT ASSISTANCE. NOW IT'S HOWEVER WE
20 ARE ABLE TO FIT THEM IN, WITH ALL THE OTHER
21 PROJECTS THAT WE HAVE.

22 WE CAN WORK MORE DIRECTLY WITH STATE
23 FACILITIES IN PROGRAM IMPLEMENTATION. WITH NEW
24 SITES COMING ON BOARD AND DEPARTMENTS BEING
25 REQUIRED TO INITIATE THOSE SITES, WE WOULD NEED

1 TO BE ABLE TO PROVIDE THEM SOME DIRECT
2 ASSISTANCE. TO TELL THEM TO DO SOMETHING AND NOT
3 PROVIDE THEM THE SERVICE WOULD ONLY BE CRITICAL OF THE
4 PROGRAM.

5 WE WOULD NEED TO CONDUCT MORE
6 TRAINING. WITH APPOINTED RECYCLING COORDINATORS,
7 OR OTHER DUTIES AS REQUIRED FOR SOME INDIVIDUALS,
8 THAT WE NEED SOME ASSISTANCE TO KNOW WHAT IS
9 REQUIRED OF THEM IN PROVIDING REPORTS TO US, AND
10 IN IMPLEMENTING THE PROGRAM.

11 WE WOULD HANDLE THE INCREASED NEED
12 FOR REPORTS, BECAUSE MOST OFTEN NOT -- MOST
13 DEPARTMENTS OFTEN ASK US WHAT DO I NEED TO
14 PROVIDE, WHAT HAVE WE DONE, AND HOW ARE WE DOING.
15 AND, OF COURSE, WE WOULD CONTINUE TO
16 WORK, AND NEED TO WORK, MORE CLOSELY WITH THE
17 DIFFERENT PROGRAMS HERE AT THE BOARD.

18 OUR RECOMMENDATION IS THAT THERE IS A
19 RELUCTANCE -- AND AN ISSUE, IS THAT THERE IS A
20 RELUCTANCE OF RECYCLERS TO COLLECT MATERIALS.
21 STATE OFFICES ARE LOCATED JUST ABOUT EVERYWHERE
22 IN THE STATE, FROM SMALL TOWNS OF A POPULATION OF
23 10,000, TO THE LARGE COMMUNITIES LIKE SACRAMENTO,
24 THE BAY AREA, AND LOS ANGELES. WHAT HAPPENS
25 OFTEN IS THAT MANY SMALL OFFICES HAVE A

1 DIFFICULTY IN TERMS OF HAVING THEIR MATERIALS
2 PICKED UP. AND RECYCLERS COMPLAIN ABOUT THE
3 QUANTITY OF MATERIALS.
4 WHAT WE HAVE FOUND IS THAT, IN
5 WORKING WITH STATE FACILITIES TO ENCOURAGE
6 COLLECTION EFFORTS, WE'VE BEEN ABLE TO WORK NOT
7 ONLY ON A STATE LEVEL, BUT ON A LOCAL LEVEL TO
8 FACILITATE COLLECTION OF LARGER QUANTITIES OF
9 MATERIAL.
10 A GOOD EXAMPLE HAS BEEN SOME OF THE
11 CONTRACTS THAT WE'VE LET OUT. ONE CONTRACT, IN
12 THE BAY AREA WHERE THERE ARE A LOT OF SMALLER
13 OFFICES VERSUS A LARGE OFFICE, WAS LET OUT WITH
14 THE PROSPECT OF THE CONTRACTOR BEING ABLE TO
15 COLLECT AT ALL STATE OFFICES AS PART OF THE
16 CONTRACT PROVISION. THAT CREATED AN INCENTIVE
17 BOTH FOR COLLECTION AND FOR RECYCLING.
18 WE'VE WORKED WITH STATE AGENCIES TO
19 ENCOURAGE AND HAVE AGENCIES AND DEPARTMENTS WORK
20 COLLECTIVELY, NOT ONLY HERE WITH THEMSELVES, BUT
21 WITH LOCAL GOVERNMENT AS WELL.
22 THERE ARE A COUPLE EXAMPLES IN
23 CORRECTIONS, WHERE SOME OF THE STATE INSTITUTIONS
24 HAVE WORKED WITH LOCAL COMMUNITIES IN HAULING OF
25 MATERIALS AND COLLECTION OF MATERIALS, SO IT'S

1 COST-EFFECTIVE FOR BOTH PARTIES.
2 OF COURSE, THERE IS ALWAYS THE NEED
3 TO REPORT: WHAT ARE YOU DOING? AND THE ISSUE
4 THERE HAS BEEN CONTINUOUSLY -- AND I THINK THE
5 LAO DID A GOOD JOB OF NOTING THAT WE
6 HAVE A DIFFICULT TIME IN RECEIVING THE
7 INFORMATION FROM DEPARTMENTS. THERE ARE NO
8 INCENTIVES OR PENALTIES FOR REPORTING OR NOT
9 REPORTING.
10 OUR RECOMMENDATION WOULD BE TWO FOLD
11 IN THIS PART. WE WOULD REQUIRE ALL STATE
12 DEPARTMENTS TO REPORT ANNUALLY TO THE LEGISLATURE
13 IN TERMS OF THEIR PROGRESS, BUT ALSO TO THE BOARD
14 IN TERMS OF THE INFORMATION WE NEED.
15 NOW, ONE MIGHT ASK WHY THE
16 LEGISLATURE. OUR ONLY REASON FOR ASKING THIS IS
17 OUR EXPERIENCE OVER THE LAST BUDGET CYCLE. AND
18 THAT IS, WHEN THE LAO NOTED THAT A LOT OF
19 DEPARTMENTS WERE NOT DOING THEIR FAIR PART IN
20 RECYCLING, MANY OF THE DEPARTMENTS CALLED US
21 BECAUSE THEIR BUDGET ANALYST WAS SAYING YOU NEED
22 TO REPORT AT THE NEXT BUDGET HEARING WHAT YOU'RE
23 DOING. AND IT SEEMED TO BE AN APPROPRIATE STICK,
24 VERSUS CARROT, IN TERMS OF GETTING SOME RESPONSE.
25 WHERE THEY WOULDN'T TELL US, THEY NEEDED TO TELL

1 SOMEONE ELSE.

2 WE WOULD ALSO RECOMMEND THAT THE IWMB

3 PUBLISH A LIST OF NONCOMPLIANCE. WE HAVE FOUND

4 IN THE PAST THAT MOST PEOPLE WANT TO BE LOOKED AT

5 AS BEING VERY -- IN A POSITIVE LIGHT, TO SHOW

6 THAT THEY'RE NOT DOING WHAT THEY'RE SUPPOSED TO

7 BE MAY BE A STICK IN THIS RESPONSE, IN TERMS OF

8 GETTING THEM TO DO WHAT THEY NEED TO DO.

9 WE ALSO HAVE NOTED THAT, IN OUR

10 RECOMMENDATION, THAT AGAIN, AN INCENTIVE WOULD BE

11 TO ALLOW THEM TO RETAIN SOME OF THE REVENUE.

12 CURRENTLY THE LAW PROVIDES THAT THEY

13 CAN ONLY KEEP UP TO \$2,000 OF ANY REVENUES

14 GENERATED. WE BELIEVE THAT THAT NEEDS TO BE

15 AMENDED TO PROVIDE AN INCENTIVE, SO THAT FOR

16 THOSE AGENCIES THAT DO PARTICIPATE AND DO

17 GENERATE LARGE AMOUNTS OF REVENUES THERE WOULD BE

18 AN INCENTIVE FOR THEM TO KEEP A LARGER PORTION OF

19 THAT.

20 AN AREA THAT'S IMPORTANT TO NOTE IS

21 THAT OF FACILITY DESIGN. EVEN THOUGH WE'VE BEEN

22 WORKING WITH GENERAL SERVICES IN ITS DEVELOPMENT

23 OF NEW STATE OFFICES, THERE IS STILL A CURRENT

24 PROBLEM IN -- CURRENT IN SOME OF THE STATE

25 OFFICES TO PROVIDE THE SPACE NEEDED TO COLLECT

1 THE MATERIALS THAT ARE BEING GENERATED.
2 AND IT'S IMPORTANT TO NOTE THAT THIS
3 ISSUE GOES BEYOND PROJECT RECYCLE. HOWEVER, IT
4 IS IMPORTANT TO NOTE THAT, AS PART OF THE LARGER
5 PICTURE OF THE GREEN BUILDING CONCEPT, PROJECT
6 RECYCLE HAS AN IMPORTANT ROLE. AS WE BEGIN TO
7 LOOK AT INCENTIVES FOR A PROGRAM, AND WE HOPE
8 DEPARTMENTS IDENTIFY GOALS AND OBJECTIVES FOR
9 THEIR FACILITIES, WE NEED TO KEEP THIS CONCEPT AS
10 PART OF ALL OF THE FACTORS TO CONSIDER.
11 GRASSCYCLING, RCP, AND VERMICOMPOSTING,
12 JUST TO MENTION A FEW, SHOULD ALSO BE FACTORS IN
13 DETERMINING THE SUCCESS A DEPARTMENT HAS IN MEETING
14 ALL WASTE DIVERSION GOALS.
15 OUR RECOMMENDATION, AS IT RELATES TO
16 FACILITY DESIGN, IS TO REQUIRE EACH STATE AGENCY
17 TO PROVIDE ADEQUATE SPACE FOR STORAGE,
18 COLLECTION, AND PICKUP OF RECYCLABLES.
19 THE REPORT THAT WE'VE PROVIDED YOU
20 ALSO RESPONDS TO THE AREA THAT THE LAO HAS
21 ADDRESSED. AND I'D LIKE TO POINT OUT IN WHICH
22 WAYS IT DOES THAT.
23 FIRST, THE LAO REQUESTED FOUR THINGS.
24 ONE, THAT WE IDENTIFY STATE FACILITIES WHO ARE
25 NOT MAXIMIZING THEIR EFFORTS AND ASSIST THEM. WE

1 BELIEVE THAT WE'VE DONE THAT THROUGH MANY OF THE
2 RECOMMENDATIONS PROVIDED THROUGH OUR PLAN OF
3 OPERATION.

4 SECONDLY, WE'VE IDENTIFIED THE
5 BARRIERS. THEY'VE ASKED US TO IDENTIFY THE
6 BARRIERS. AND NOT ONLY DOES OUR REPORT IDENTIFY
7 BARRIERS, BUT WE ALSO PROVIDE RECOMMENDATIONS TO
8 ADDRESS THEM.

9 THIRDLY, THAT WE IDENTIFY STATUTORY
10 CHANGES OR ADDITIONAL RESOURCES NEEDED. AGAIN,
11 MOST OF THE RECOMMENDATIONS LISTED IN THE REPORT
12 ADDRESS THIS ISSUE.

13 AND, FOURTH, THAT WE DEVELOP
14 STATUTORY LANGUAGE. I BELIEVE IT'S CLEAR FROM
15 OUR REPORT THAT WE WILL ADDRESS THIS NEED.

16 SO, WHAT DOES THE FUTURE HOLD? I
17 BELIEVE THAT THE LAO REPORT PROVIDES NOT A
18 CHALLENGE TO WHAT WE DO, BUT AN OPPORTUNITY TO
19 PAINT A NEW AND BRIGHTER FUTURE FOR PROJECT
20 RECYCLE.

21 THIS CONCLUDES STAFF'S PRESENTATION.

22 AND I'M AVAILABLE FOR QUESTIONS.

23 CHAIRMAN PENNINGTON: QUESTIONS?

24 MEMBER JONES: WELL, I HAVE A COUPLE OF
25 QUESTIONS.

1 WHEN I READ THE ITEM I TOLD PHIL I
2 HAD -- THIS PRESENTATION WAS A LITTLE EASIER ON
3 BARRIER SIX.
4 BUT I THINK THAT SOME OF THE BARRIERS
5 THAT WERE BROUGHT UP ARE GOING TO BE -- THEY
6 COULD BE THE SCRIPTS THAT CITIES AND COUNTIES USE
7 WHEN THEY DO NOT COMPLY WITH THE MANDATE, AND I
8 DON'T WANT TO GENERATE A DOCUMENT THAT THEY COULD
9 USE FOR HALF OF THEIR DEFENSE ON WHY THEY DIDN'T
10 MEET THE GOAL. MEANING THAT THE MARKETS WEREN'T
11 RIGHT, OR THE PLACE WAS HARD TO GET TO, OR THEY
12 DIDN'T HAVE A LOT OF VOLUME.
13 AND I THINK WE NEED TO THINK ABOUT
14 THOSE ISSUES. THERE ARE SOME BIGGER-PICTURE
15 ISSUES HERE THAT I THINK NEED TO BE DEALT WITH.
16 AND I -- WE TALKED EARLY IN THE
17 PRESENTATION -- WHICH I THINK WAS A GOOD
18 PRESENTATION, IT WAS A LOT MORE INFORMATIVE THAN
19 I THINK THE FIRST TIME THIS THING CAME AROUND,
20 AND I THINK WE'RE GETTING THERE.
21 BUT WE TALK ABOUT PRICES HAVING
22 DECLINED, AND THAT BEING ONE OF THE REVENUE
23 ISSUES. I THINK WHAT PEOPLE NEED TO UNDERSTAND
24 IS THAT WHAT HAPPENED IN THOSE THREE YEARS, '94,
25 '95, '96, WERE AN ABERRATION. THEY WAS SOMETHING

1 THAT WAS A BLIP IN A SCREEN THAT WHEN YOU LOOK AT
2 ALL THE COVERED MATERIALS, AND LOOK AT IT FOR THE
3 LAST 50 YEARS, THEY HAVE REMAINED FLAT.
4 SO, I THINK WE DO OURSELVES A
5 DISSERVICE WHEN WE TRY TO PREDICATE PROGRAM
6 SUCCESS AND MARKET STABILITY BASED ON THAT THREE-
7 YEAR WINDOW. I THINK WHAT WE NEED TO BE TALKING
8 ABOUT IS ALL THE MATERIAL THAT WE'RE MOVING,
9 GETTING TO PLANTS. IS IT GETTING TO END MARKETS
10 WHERE IT'S BEING USED AS SOMETHING ELSE. BECAUSE
11 IT'S GOT TO -- YOU KNOW, WE HAVE TO SLOWLY BUT
12 SURELY START WHITTILING AWAY AT THAT.
13 BECAUSE WHEN CITIES AND COUNTIES COME
14 BEFORE US AND TALK ABOUT WHY THEY COULDN'T DO
15 PROGRAMS, THEY ARE GOING TO REFER TO THOSE -- TO
16 A MARKET DECLINE THAT REALLY WAS NOT A MARKET
17 DECLINE, MORE THAN JUST A JUMP IN MARKET PRICES.
18 SO, I THINK WE NEED TO LOOK AT THAT
19 FROM A BROADER PICTURE THAN JUST PROJECT RECYCLE.
20 BECAUSE I THINK IT'S VERY CRITICAL TO SOME OF THE
21 ISSUES THAT WE'RE GOING TO BE DEALING WITH.
22 AND I'M STILL NOT CONVINCED THAT ANY
23 STATE AGENCY IS GOING TO -- I GUESS I'M JUST NOT
24 CONVINCED ON THE REVENUE SHARING. FOR ME, I
25 MEAN, IF A CITY OR COUNTY -- I MEAN, IF A STATE

1 BUILDING IS DOING A GOOD JOB OF RECYCLING, AND
2 THEY ARE WORKING HARD TO GET THAT MATERIAL IN A
3 CONDITION THAT GETS THEM THE HIGHEST PRICE
4 POSSIBLE -- WHETHER IT'S THROUGH A CONTRACT WITH
5 US OR WHATEVER -- I MEAN, I THINK OUR PIECE OF
6 THAT NEEDS TO EITHER BE -- NEEDS TO BE REAL, REAL
7 MINIMAL. BECAUSE THERE IS NO INCENTIVE FOR A
8 STATE BUILDING TO DO THE WORK IF THEY'RE NOT
9 GOING TO SEE SOME OF THE REVENUE.
10 I MEAN, THERE'S A BALANCING ACT
11 THERE. YOU KNOW, PARTS OF THAT REVENUE SHOULD
12 COME TO THE WASTE BOARD, BUT I THINK WE NEED TO
13 DETERMINE WHAT MAKES SENSE AND WHAT DOESN'T.
14 BECAUSE YOU CAN'T ASK SOMEBODY TO DO THE WORK AND
15 NOT EXPECT THEM TO GET COMPENSATED, BECAUSE THEY
16 HAVE PROFIT AND LOSS STATEMENTS AND BUDGETS THAT
17 THEY NEED TO GET UP IN FRONT OF THE SAME PEOPLE
18 WE DO, TO DETERMINE WHY THEIR COSTS WENT UP AND
19 WHY THEY DIDN'T.

20 SO, I'D JUST LIKE TO SEE US WORK SOME
21 OF THOSE ISSUES OUT A LITTLE MORE THOROUGHLY.

22 CHAIRMAN PENNINGTON: MR. RHOADS.

23 MEMBER RHOADS: I AGREE WITH SOME OF
24 THOSE -- WELL, ACTUALLY I AGREE WITH ALL OF THOSE
25 REMARKS BY MR. JONES.

1 I JUST HAD A LITTLE CURIOSITY

2 QUESTION. THE LEGISLATION REQUIRED -- OR THE

3 CONTRACTS CODE, FOR US TO DO SOMETHING WITH THE

4 LEGISLATURE. DID WE EVER DO ANYTHING WITH THE

5 LEGISLATURE?

6 MEMBER MORALEZ: YOU MEAN IN TERMS OF

7 INITIATING A PROGRAM WITH THEM?

8 MEMBER RHOADS: YES.

9 MEMBER MORALEZ: YES, WE HAVE. WE CONTINUE

10 TO WORK WITH THEM. WE ARE CURRENTLY ARE, RIGHT

11 NOW, IN THE PROCESS OF ESTABLISHING A NEW

12 COLLECTION PROGRAM, PROVIDING NEW BINS THAT ARE

13 MORE AESTHETICALLY PLEASING AT THE CAPITAL VERSUS

14 THE OLD KIND OF BARRELS KIND OF THING.

15 MEMBER EATON: AND THERE WAS A HIGH NUMBER OF

16 WORKERS' COMPENSATION CLAIMS, WHEN YOU STUCK YOUR

17 HAND IN THERE AND IT WOULD SNAP BACK, AND YOU'D LOSE

18 YOUR RIGHT HAND

19 MEMBER RHOADS: FROM THE -- I KNOW THE

20 LEGISLATURE IS EXEMPT FROM THOSE THINGS, SO.

21 MEMBER MORALEZ: ACTUALLY, THEY'VE BEEN VERY

22 COOPERATIVE --

23 MEMBER RHOADS: DO WE GET ANY MONEY FROM

24 THEM? OR HOW DOES THAT WORK? DO WE COLLECT

25 THEIR WASTE?

1 MEMBER MORALEZ: YES, WE DO. WE RECEIVE
2 REVENUES FROM THE MATERIALS THAT ARE RECYCLED AT
3 THE STATE CAPITAL. WE'VE PROVIDED -- I HAVE
4 PROVIDED A BALER TO MAKE IT EASIER TO CONDENSE
5 SOME MATERIALS DOWN IN THE BASEMENT OF THE
6 BUILDING. WE DO COLLECT THAT REVENUE THERE.

7 MEMBER RHOADS: IS THERE A SIMILAR AGENCY
8 IN THE STATE WHICH IS LIKE THE LEGISLATURE, THAT
9 WE RECEIVE MONEY FROM?

10 MEMBER MORALEZ: WELL, WE HAVEN'T -- WE
11 RECEIVE MONEY FROM -- BASED ON ALL THE DIFFERENT
12 CONTRACTS FROM DIFFERENT DEPARTMENTS, DEPENDING
13 ON THE SERVICES THAT WE PROVIDE.
14 WE HAVE TWO PRIMARY CONTRACTS HERE IN
15 SACRAMENTO. ONE IS THE COLLECTION AT STATE
16 BUILDINGS, WHAT THEY CALL DOCK-LEVEL COLLECTION,
17 WHICH IS USUALLY IN STATE-OWNED BUILDINGS. THE
18 GENERAL SERVICES BRINGS IT DOWN TO THE DOCK
19 LEVEL. WE HAVE A CONTRACTOR THAT COLLECTS IT AND
20 PAYS US BASED ON THE VALUE OF THOSE MATERIALS.
21 THEN WE HAVE A SECOND PRIMARY
22 CONTRACT, WHICH IS IN-HOUSE COLLECTION, WHICH
23 DEAL WITH MOSTLY LEASED FACILITIES WHERE WE HAVE
24 -- MAY USE THE CONSERVATION CORPS OR THE FOLKS
25 THAT WILL GO AROUND AND PICK UP THE MATERIALS.

1 YOU'VE SEEN OUR BUILDING, THE DIFFERENT BINS THAT

2 WE HAVE.

3 MEMBER RHOADS: AND DO WE GET ALL OF THAT
4 REVENUE?

5 MEMBER MORALEZ: CURRENTLY WE DO. YES, WE
6 DO.

7 BUT WHAT'S MISSING ARE REVENUES IN

8 SOME OF THE LARGER -- SOME OF THE DEPARTMENTS.

9 FOR EXAMPLE, THE DEPARTMENT OF CORRECTIONS HAS A

10 - - WHAT THEY CALL THE RAS PROGRAM, WHERE THEY

11 USE INMATE HELP TO SORT OUT MATERIALS AND

12 RECYCLE. WE RECEIVE NONE OF THOSE REVENUES.

13 TEXTILES, OR WHATEVER ELSE THEY MAY BE

14 GENERATING. THE MONEY THAT THEY USE -- FROM OUR

15 UNDERSTANDING IN TALKING WITH THEM, IS THAT THEY

16 USE IT TO PAY FOR CORRECTIONAL OFFICERS AND

17 WHATEVER SALARY THEY PAY THE INMATES. BUT,

18 AGAIN, WE SEE NONE OF IT. AND WE KNOW THAT THE

19 AMOUNT IS FAIRLY LARGE.

20 MEMBER EATON: MR. RHOADS, BY STATUTE THEY'RE

21 REQUIRED TO DEPOSIT THOSE FUNDS IN ONE OF OUR

22 ACCOUNTS, AND THAT'S NOT CURRENTLY HAPPENING.

23 TWO, THAT THEY DON'T EVEN REPORT A

24 LOT OF THOSE ITEMS. IT GOES INTO WHAT I LIKE TO

25 REFER TO AS THOSE AGENCY SHARPER IMAGE FUNDS,

1 THOSE FUNDS NEVER SHOW UP ANYWHERE EXCEPT ONCE IN
2 A WHILE AS UNALLOCATED RESERVES LATE IN THE
3 FISCAL YEAR, AND THEN ARE PURCHASING CERTAIN
4 ITEMS.

5 THAT'S ONE OF THE THINGS, I BELIEVE,
6 THAT AS WE LOOK AT THIS REPORT WE HAVE TO TRY AND
7 RESOLVE. AND I THINK, ACCORDING TO LIKE MR.
8 JONES, THERE ARE CERTAIN KINDS OF POLICY CHOICES
9 OR POLICY QUESTIONS. BUT AT LEAST FROM A
10 STATUTORY DIRECTION, THOSE ARE SUPPOSED TO COME
11 HERE.

12 HOW WE CHOOSE TO DEAL WITH THOSE, OR
13 ACCOUNT FOR THOSE, OR WHAT HAVE YOU, I THINK IS
14 PART OF WHAT WE CAN DO HERE. AND, IT'S PART OF
15 WHAT I BELIEVE THE LAO IS LOOKING FOR HERE, IS A
16 LITTLE MORE SPECIFICITY, A LITTLE MORE CLARITY.
17 I THINK MR. MORALEZ, HAVING LISTENED
18 TO ALL OF US IN OUR PREVIOUS BRIEFINGS, HAS
19 INCORPORATED SOME OF THAT, WHICH IS NOT REFLECTED
20 IN THE WRITTEN DOCUMENT YET. AND I THANK YOU FOR
21 THAT.

22 I THINK THAT THERE'S ALL KINDS OF
23 THINGS THAT THEY COULD BE DOING. AND HOW WE
24 CHOOSE TO FRAME IT, THIS IS THE ONE DOCUMENT -- I
25 THINK THAT'S WHY, AT LEAST FROM MY PERSPECTIVE,

1 WE PROCEED SLOW.
2 AND I THINK THE LEGISLATURE HAS BEEN
3 GRACIOUS IN GRANTING EXTENSIONS TO VARIOUS
4 ORGANIZATIONS IF WE NEEDED MORE TIME TO SUBMIT
5 THE REPORT.
6 BUT TO LOOK AT SOME OF THE QUESTIONS
7 EITHER RAISED BY MR. JONES OR MAYBE BY OTHERS --
8 I KNOW I HAVE A WHOLE LAUNDRY LIST OF THOSE ITEMS
9 WHICH I THINK, YOU KNOW, ARE HERE, YOU KNOW, KIND
10 OF A CARROT/STICK APPROACH. AND I DON'T THINK
11 WE'VE ACTUALLY LOOKED AT ALL OF THOSE YET, AND
12 HOW WE ACTUALLY WANTED TO DEAL WITH THEM.
13 INCLUDING PERHAPS OUR OWN INTERNAL POLICIES HERE
14 AT THE BOARD FOR REVIEW.
15 BUT THE ONE THING THAT WE DO KNOW IS
16 THAT WE SHOULD AT LEAST PROVIDE THE LAO WITH A
17 FULL AND COMPLETE PICTURE OF WHAT'S GOING ON, AS WELL AS
18 A HISTORY. WE'VE HAD SOME ATTEMPTS WHERE WE HAVE
19 MADE ATTEMPTS TO GET THE VERY INFORMATION THAT WE
20 ARE NOW REQUESTING IN THE REPORT EITHER TO --
21 FROM, ONE REASON OR ANOTHER, LEGISLATIVELY OR
22 OTHERWISE, BEEN DEFEATED, WHICH HAS HAMPERED US.
23 AND I THINK THAT HAS HELPED US IN - -
24 AT LEAST IN TERMS OF LAST YEAR. AND WITH THE
25 TERM LIMITS, I THINK A LONGER EXPLANATION

1 OF THE HISTORY BEHIND IT IS IN ORDER. BECAUSE
2 EVEN SENATORS WHO HAVE SERVED 10 AND 15 YEARS
3 LAST YEAR DIDN'T REALIZE THAT THE EXEMPTIONS THAT
4 WERE AFFORDED TO EITHER THE STATE UNIVERSITIES OR
5 SOME OF THE OTHER DEPARTMENTS THAT WERE LISTED
6 THERE -- ALTHOUGH THEY MAY NOT MAKE UP A LARGE
7 MAJORITY OF THE DIVERSION, THAT THEY
8 SURELY DO HAVE IT AND, AS WELL AS THAT.
9 SO I THINK, YOU KNOW, I MEAN IN TERMS
10 OF THE POT, WE HAVE NOT BEEN GETTING THE
11 ACCOUNTING WE NEED. HOW WE CHOOSE TO DEAL WITH
12 THAT I THINK IS WHERE WE HAVE THE OPPORTUNITY IN
13 THIS REPORT.

14 AND THAT'S WHERE, AT LEAST FOR TODAY,
15 I'M NOT PREPARED TO SUBMIT THIS TO THE
16 LEGISLATURE WITHOUT VARIOUS TYPES OF OTHER
17 INFORMATION BEING INCLUDED.

18 MEMBER RHOADS: WELL, I HAD A --

19 CHAIRMAN PENNINGTON: MR. RHOADS?

20 MEMBER RHOADS: -- JUST A FOLLOW-UP ONE.

21 ON THE CODE, IS IT CLEAR THAT -- IF
22 WE PUT A PROGRAM INTO THE LEGISLATURE, I THOUGHT
23 THAT THE CODE WAS PRETTY CLEAR THAT WE SHOULD GET
24 THE REVENUES FROM THAT CODE -- OR, FROM THAT
25 PROGRAM.

1 IF A STATE AGENCY, LIKE CORRECTIONS,
2 DOES THEIR OWN PROGRAM, IS IT CLEAR FROM THE
3 STATUTE THAT WE SHOULD BE GETTING ALL THEIR
4 REVENUE?

5 MEMBER MORALEZ: THE STATUTE PROVIDES THAT
6 NO OTHER STATE AGENCY SHALL DEVELOP A PROGRAM IN
7 COMPETITION OR IN CONFLICT WITH THE BOARD'S
8 PROGRAM. SO, THEY BASICALLY -- WHEN THEY OPERATE
9 THEIR OWN RECYCLING THEY OPERATE IN CONFLICT WITH
10 THAT STATUTE.

11 MEMBER RHOADS: I WASN'T CLEAR WHEN I READ THE
12 STATUTE ABOUT THOSE DIFFERENCES.

13 CHAIRMAN PENNINGTON: WELL, IN LINE WITH
14 WHAT YOU'RE RECOMMENDING THERE, MR. EATON,
15 PERHAPS WHAT WE'D LIKE TO DO IS SEND THIS BACK
16 FOR A LITTLE MORE WORK. AND MAYBE ASK THAT SOME
17 OF OUR ADVISORS BE INVOLVED.

18 I KNOW I HAVE SOME CONCERNS HERE, AND
19 50 MAYBE WE COULD HAVE YOUR ADVISOR AND --

20 MEMBER EATON: HAPPY TO.

21 CHAIRMAN PENNINGTON: -- AND JONES, AND
22 MINE.

23 MEMBER FRAZEE: YES, BUT I DID HAVE A
24 COMMENT OR TWO.

25 CHAIRMAN PENNINGTON: MR. FRAZEE.

1 MEMBER FRAZEE: THIS IS REALLY KIND OF A
2 DUAL, TWO-PRONGED PROCESS HERE. AND ONE PURPOSE
3 IS TO SATISFY THE LAO. AND I THINK THIS DOCUMENT
4 PROBABLY ACHIEVES THAT GOAL. BUT, AS A WORK PLAN
5 FOR WHERE WE'RE GOING FROM HERE, OR AS A
6 LEGISLATIVE RECOMMENDATION, I THINK IT DOES NEED
7 A LOT OF WORK THERE.
8 THE BUDGET IMPLICATIONS ARE
9 SIGNIFICANT, JUST ONE AFTER ANOTHER OF THOSE THAT
10 MAY SOUND EASY. FOR EXAMPLE, THE APPOINTING OF A
11 RECYCLING MANAGER IN ESSENTIALLY EVERY FACILITY
12 HAS HUGE BUDGET IMPLICATIONS.
13 AND THE FACT THAT ALL STATE
14 FACILITIES ARE NOT COVERED -- AND I THINK WE'RE
15 GOING TO -- YOU KNOW, YOU'RE GOING TO RUN
16 HEADLONG INTO PROBLEMS THERE WITH THE UNIVERSITY
17 SYSTEM. YOU KNOW, IF THERE ARE A LOT OF OTHER
18 THINGS THAT WERE ATTEMPTED TO BE ACCOMPLISHED TO
19 FORCE THE UNIVERSITY SYSTEM TO DO THINGS OVER THE
20 YEARS, WITHOUT SUCCESS.
21 I THINK GETTING GENERAL SERVICES TO
22 IDENTIFY ALL FACILITIES PROBABLY SHOULD HAVE SOME
23 KIND OF A LIMIT ON SIZE OF FACILITIES, OR THOSE
24 THAT EMPLOY MORE THAN 25 PEOPLE OR SOMETHING OF
25 THAT NATURE.

1 AND SO, AS I SAID, FOR PURPOSES OF A
2 QUICK THING THAT YOU CAN GIVE TO LAO TO SATISFY
3 THEIR REQUIREMENT, I DON'T HAVE A GREAT DEAL OF
4 PROBLEM WITH THAT. BUT AS A PRACTICAL DOCUMENT
5 TO WORK FROM AND TO DEVELOP A LEGISLATIVE PLAN, I
6 THINK IT DOES NEED MORE WORK.
7 AND I GUESS KIND OF THE EMBARRASSING
8 THING ABOUT ALL OF THIS, AND THE DIFFICULTY WE'RE
9 HAVING ACHIEVING SOME SIGNIFICANT RECYCLING IN
10 STATE FACILITIES, IS THAT OUT IN THE PRIVATE
11 SECTOR COMPANY AFTER COMPANY, WITHOUT A LOT OF
12 ARM-TWISTING, OTHER THAN THE ECONOMIC ONE, ARE
13 ACHIEVING THIS. THEY ARE EXCEEDING GOALS
14 ALREADY. AND, OF COURSE, A LOT OF THAT IS DRIVEN
15 BY DISPOSAL FEES. AND I DON'T KNOW WHETHER
16 THAT'S -- YOU KNOW, THAT'S SOMETHING THAT NEEDS
17 TO BE ADDRESSED IN THIS, BECAUSE IT'S A BUDGET
18 IMPLICATION AND IT'S ONE OF THOSE THAT JUST SORT
19 OF GETS LOST IN THE PROCESS OF DEVELOPING
20 BUDGETS, THE DISPOSAL FEES FOR INDIVIDUAL
21 AGENCIES.
22 JUST FOR AN EXAMPLE OF THE PRIVATE
23 SECTOR, I THINK MANY OF US TOURED THE ONE MARKET
24 PLACE FACILITY IN SAN FRANCISCO THAT EMPLOYS
25 5,000 PEOPLE. ISN'T THAT CORRECT? AND THEY HAVE

1 A 95 PERCENT RECYCLING RATE WITH ALL THE
2 FACILITIES THAT ARE LOCATED IN THAT. AND THAT
3 SHOWS YOU WHAT THE PRIVATE SECTOR CAN DO, AND
4 PERHAPS DO SOME ADDITIONAL WORK ON THIS.

5 MS. FRIEDMAN: MR. CHAIRMAN?

6 CHAIRMAN PENNINGTON: YES, JUDY.

7 MS. FRIEDMAN: A COUPLE POINTS I'D LIKE
8 TO MAKE, JUST TO CLARIFY ON MR. FRAZEE'S ISSUE OF
9 A RECYCLING COORDINATOR IN EACH FACILITY. WE
10 WEREN'T RECOMMENDING EACH FACILITY, BUT ON A
11 DEPARTMENTAL LEVEL, SO ONE PERSON TO COVER ALL
12 THE FACILITIES THAT A DEPARTMENT HAS. SO, I
13 THINK THAT'S LESS OF A BUDGET IMPLICATION THAN
14 MIGHT BE--

15 MEMBER FRAZEE: WELL, JUST AS AN EXAMPLE
16 FOR THAT, THE DEPARTMENT OF WATER RESOURCES AND
17 THE REGIONAL BOARDS, AND WE CAN'T EVEN GET THEM
18 TO THINK ALIKE ON REGULATORY MATTERS, AND TO
19 THINK WE CAN GET THEM COORDINATED ON RECYCLING IS
20 A PIPE DREAM, I THINK. SO I DON'T KNOW HOW YOU
21 OVERCOME THAT BARRIER.

22 MS. FRIEDMAN: BUT THE OTHER POINT I
23 WANTED TO MAKE IS, IN TERMS OF THE LEGISLATIVE
24 CONCEPTS THERE'S A PROCESS THAT THE BOARD HAS FOR
25 DEVELOPING THOSE. AND THESE ARE JUST THE BASIC

1 CONCEPTUAL FRAMEWORK. AND WE WOULD BE WORKING
2 WITH OUR LEGISLATIVE OFFICE, WITH THE BOARD
3 MEMBERS ON ANY OF THE DETAILS, AS WELL AS ANY OF
4 THE OTHER ADMINISTRATIVE DETAILS THAT WE WOULD BE
5 DEVELOPING.

6 50 WE WERE LOOKING HERE TO PAINT THE
7 CONCEPTUAL PICTURE OF WHAT WE WERE TALKING ABOUT
8 IN TERMS OF THE BARRIERS AND THE ISSUES, AND WHAT
9 PROJECT RECYCLE WOULD BE IN THE FUTURE SHOULD
10 THOSE BARRIERS BE OVERCOME. SO, I JUST WANTED TO
11 CLARIFY THAT. IT'S MORE IN LINE WITH WHAT MR.
12 FRAZEE WAS TALKING ABOUT AS A CONCEPTUAL PICTURE,
13 AND THE DETAILS WOULD BE FOLLOWING.

14 MEMBER JONES: MR. CHAIRMAN?

15 CHAIRMAN PENNINGTON: OKAY. MR. JONES.

16 MEMBER JONES: I THINK IT DOES PAINT A
17 PRETTY GOOD PICTURE. BUT I THINK THAT WE CAN
18 PAINT IT UP A LITTLE MORE. I LIKE THE CHAIRMAN'S
19 IDEA THAT THIS GROUP -- SOME ADVISORS WORK WITH
20 YOUR GROUP TO GET THIS THING PUT OUT. IT MAKES A
21 LOT OF SENSE. YOU KNOW, IT'S CERTAINLY NOT GOING
22 TO HURT THE PROCESS, IT MAY JUST GET IT MORE-
23 SOME DIFFERENT VIEWS GOING INTO IT.

24 AND IF THAT WAS A MOTION, MR.

25 CHAIRMAN, ON HOW TO RESOLVE THIS I WILL SECOND

1 IT.

2 CHAIRMAN PENNINGTON: NO, I HAVEN'T MADE

3 ONE YET. I'LL FRAME ONE HERE IN A MINUTE.

4 WHAT IS THE TIME TABLE OF THE REPORT?

5 MS. FRIEDMAN: THIS IS DUE TO THE

6 LEGISLATURE DECEMBER 1ST, THIS YEAR.

7 MEMBER EATON: AND GENERALLY, THAT THEY

8 ARE -- COURTESIES ARE GRANTED FOR A 60-DAY

9 EXTENSION. AND I THINK THEY'RE ROUTINELY GRANTED

10 AS LONG AS THERE'S ADEQUATE NOTICE PRIOR THERETO,

11 AND GOOD REASONING. AND I THINK THERE IS IN THIS

12 CASE. AND IT'S JUST A SIMPLE LETTER, AND IT'S

13 NOT ANY KIND OF REPERCUSSIONS. AND IF THERE ARE,

14 YOU KNOW, I'D BE HAPPY TO DO WHATEVER I CAN TO

15 ASSIST IN SEEING IT....

16 CHAIRMAN PENNINGTON: OKAY. I'LL MOVE

17 THAT WE TAKE ANOTHER LOOK AT THIS AND APPOINT A

18 COMMITTEE OF ADVISORS MADE UP OF MR. EATON'S, MR.

19 JONES', AND THE CHAIRMAN'S ADVISORS. AND REPORT

20 BACK TO US AT MAYBE THE DECEMBER MEETING? I'LL

21 GIVE YOU A -- WE NEED TO HAVE SOME KIND OF A TIME

22 FRAME ON THIS.

23 AND IN THE MEANTIME, REQUEST AN

24 EXTENSION FROM THE LEGISLATURE. AND MR. EATON

25 WILL BE GLAD TO HELP YOU IF YOU NEED THAT

1 ASSISTANCE.

2 MEMBER EATON: YEAH, WE
3 JUST HAVE TO DO A LETTER. YEAH, WE'LL WORK ON
4 THAT. JUDY, IF WE JUST TALK TO ARNIE WE'LL BE
5 ABLE TO WORK SOMETHING THROUGH, I THINK, WITH THE
6 EXECUTIVE DIRECTOR'S OFFICES AS WELL, SO EVERYONE
7 IS ON BOARD WITH THE AGENCIES AND ALL THE OTHER
8 CHECKS AND BALANCES IT HAS TO GO THROUGH, AS
9 WELL.

10 MR. SMITH: IF WE CAN
11 CLEAR IT THROUGH BY THE END OF THE CALENDAR YEAR,
12 AND GIVE CAL EPA THEIR 30 DAYS, THE 1ST OF
13 FEBRUARY WOULD BE FINE. IF WE CAN GET THE 60-DAY
14 EXTENSION THAT WORKS.

15 CHAIRMAN PENNINGTON: THAT'S MY MOTION.

16 MEMBER JONES: I'LL SECOND.

17 CHAIRMAN PENNINGTON: OKAY. IF THERE'S
18 NO FURTHER DISCUSSION -- AND I DON'T MEAN TO
19 LEAVE YOU ALL OUT WHEN I --

20 MR. RHOADS: THAT'S QUITE ALL RIGHT.
21 WE'LL BE WILLING TO CRITIQUE IT ON DECEMBER 1ST.

22 CHAIRMAN PENNINGTON: VERY GOOD. THANK
23 YOU.

24 IF THERE'S NO FURTHER DISCUSSION,
25 WILL THE SECRETARY CALL THE ROLL?

1 THE SECRETARY: BOARD MEMBER EATON?

2 MEMBER EATON: AYE.

3 THE SECRETARY: FRAZEE?

4 MEMBER FRAZEE: AYE.

5 THE SECRETARY: JONES?

6 MEMBER JONES: AYE.

7 THE SECRETARY: RHOADS?

8 MEMBER RHOADS: AYE.

9 THE SECRETARY: CHAIRMAN PENNINGTON?

10 CHAIRMAN PENNINGTON: AYE.

11 THE MOTION CARRIES.

12 AND I DO WANT TO SAY, THOUGH, THAT I

13 THINK PHIL AND THE STAFF HAVE DONE AN EXCELLENT

14 JOB IN TRYING TO PULL THIS TOGETHER, AND IT'S NOT

15 AN EASY THING. THERE ARE SOME VERY GOOD

16 RECOMMENDATIONS HERE.

17 AND I WOULD ALSO SUGGEST TO YOU THAT

18 IF YOU'RE LOOKING FOR PLACES TO PUT RECYCLABLES,

19 PERHAPS IN THE NEW CAL EPA BUILDING, YOU CAN PUT

20 THEM THERE AND WE'LL STAY HERE.

21 MEMBER EATON: THAT MIGHT BE AN ANSWER TO

22 THE SPACE PROBLEM. CORRECT?

23 SINCE TODAY I HAVEN'T SECONDED ONE

24 MOTION, I'LL SECOND THAT MOTION.

25 CHAIRMAN PENNINGTON: OKAY. MOVING TO

1 ITEM NO. 20, CONSIDERATION OF THE PRELIMINARY
2 REPORT ON THE RECYCLING MARKET DEVELOPMENT
3 REVOLVING LOAN PROGRAM REQUIRED BY THE
4 SUPPLEMENTAL REPORT OF THE 1998 BUDGET ACT. JIM
5 LATANNER.

6 THE REPORTER: MR. CHAIRMAN, I NEED TO CHANGE
7 MY PAPER.

8 CHAIRMAN PENNINGTON: SURE. TAKE A BREAK, FIVE
9 MINUTES.

10 (OFF THE RECORD.)

11 CHAIRMAN PENNINGTON: REPORT OF
12 RECYCLING MARKET DEVELOPMENT REVOLVING LOAN
13 PROGRAM REQUIRED BY THE SUPPLEMENTAL REPORT OF
14 THE 1998 BUDGET ACT. JIM LATANNER.

15 MR. LATANNER: GOOD AFTERNOON CHAIRMAN
16 PENNINGTON AND BOARD MEMBERS. MY NAME IS JIM
17 LATANNER, AND I'M SUPERVISOR OF THE RECYCLING
18 MARKET DEVELOPMENT REVOLVING LOAN PROGRAM, HERE
19 TO PRESENT AGENDA ITEM 20. THIS IS AN INTERIM
20 PRELIMINARY REPORT ON THE LOAN PROGRAM, WITH A
21 FINAL COMPREHENSIVE REPORT DUE OCTOBER 31, '99.
22 THIS ORIGINATED AT THE RECOMMENDATION
23 OF THE LEGISLATIVE ANALYST'S OFFICE DURING THEIR
24 ANALYSIS OF THE '98-99 STATE BUDGET. IT, LIKE
25 THE PRIOR REPORT, IS DUE TO CAL EPA ON NOVEMBER

1 1ST, AND SUBSEQUENTLY TO THE JOINT LEGISLATIVE
2 BUDGET COMMITTEE BY DECEMBER 1.
3 IN A REAL BRIEF SUMMARY, THE PURPOSE
4 OF THIS REPORT IS TO KEEP THE LEGISLATURE
5 INFORMED OF THREE ITEMS. ONE IS THE STEPS THAT
6 HAVE BEEN TAKEN TO INCREASE THE LEVERAGE OF
7 PUBLIC FUNDS, BEING THE LOAN PROGRAM SUB-ACCOUNT.
8 TWO IS LOWER ADMINISTRATIVE COSTS OF THE LOAN
9 PROGRAM. AND, THREE, GENERALLY MAKE THE PROGRAM
10 MORE EFFECTIVE.
11 THE FIRST AREA OF LEVERAGING MEANS
12 THAT FOR EVERY DOLLAR THAT WENT OUT THE BORROWER
13 OBTAINS A MATCHING DOLLAR FROM ANOTHER SOURCE OF
14 FUNDS. CONSIDERING THE LOAN PROGRAM LIMITATION
15 OF ONLY FINANCING 50 PERCENT OF A PROJECT, FOR
16 LEVERAGING THIS RATIO IS ONE-TO-ONE RIGHT NOW.
17 BY PARTICIPATING WITH OTHER
18 GOVERNMENT PROGRAMS THE POSSIBILITY DOES EXIST
19 THE LOAN PROGRAM CAN BE LEVERAGED AT A HIGHER
20 RATIO. STAFF IS CURRENTLY WORKING WITH
21 CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY
22 WITH THE CAL CAP PROGRAM TO PARTICIPATE IN THAT,
23 WHICH HAS A MUCH HIGHER LEVERAGE; THE UNITED
24 STATES DEPARTMENT OF AGRICULTURE, TO WORK JOINTLY
25 IN FINANCING SOME PROJECTS; AND PRIMARILY WITH

1 PRIVATE LENDERS SUCH AS BANKS THAT DO GENERALLY
2 FINANCE THE OTHER 50 PERCENT OF THE LOAN PROGRAM.
3 THE SECOND AREA THE LAO'S OFFICE WAS
4 CONCERNED ABOUT IS THAT ADMINISTRATIVE COSTS OF
5 THE LOAN PROGRAM WERE HIGH, AND THEY LOOKED AT
6 THAT AS A PERCENTAGE DIVIDED BY A NUMBER OF LOANS
7 MADE.

8 DURING THE BEGINNING YEARS OF THE
9 PROGRAM THERE WAS SOME TIME SPENT SETTING UP THE
10 PROGRAM AND GETTING IT IN PLACE WHERE NO LOANS
11 WERE MADE. SO THE ADMINISTRATIVE COSTS DURING
12 THE FIRST SIX YEARS WAS HIGH, WHEN YOU DIVIDE IT
13 BY THE NUMBER OF LOANS. AS WE MAKE MORE LOANS
14 THE ADMINISTRATIVE COST COMES DOWN.
15 COUPLED WITH THAT, WE HAVE CONTRACTED
16 OUT TWO MAJOR FUNCTIONS, LOAN CLOSING AND LOAN
17 SERVICING TASKS, TO A PRIVATE BANK. THAT HAS
18 SIGNIFICANTLY HELPED DECREASE OUR OVERHEAD COST
19 ON RUNNING THE PROGRAM.

20 THE FINAL AREA THE LAO'S OFFICE
21 WANTED AN UPDATE ON WAS FUTURE EFFORTS TO MAKE
22 THE PROGRAM MORE EFFECTIVE.

23 IN AN EFFORT TO STREAMLINE THE LOAN
24 APPROVAL PROCESS TO PROVIDE THE APPLICANT WITH A
25 FASTER APPROVAL TIME LOAN DOCUMENTS ARE NOW

1 PREPARED USING A LASER PRO SOFTWARE ON COMPUTER.
2 THE REQUIREMENT FOR PERSONAL GUARANTEES BECAME
3 LESS RESTRICTIVE, FROM 10 PERCENT TO 20 PERCENT,
4 AND APPLICATIONS ARE NOW BEING ACCEPTED ON A
5 CONTINUOUS CYCLE INSTEAD OF QUARTERLY. AND,
6 FINALLY, THE LOAN FEE WAS DECREASED.
7 ALL THOSE ENHANCEMENTS HAVE
8 SIGNIFICANTLY INCREASED THE MARKETABILITY OF THE
9 LOAN PROGRAM, AND WE CURRENTLY HAVE A LARGE
10 NUMBER OF APPLICATIONS OUT THERE WITH COMPANIES.
11 STAFF IS CURRENTLY WORKING WITH THESE COMPANIES TO
12 HELP THEM PACKAGE THE LOAN AND GET IT BACK IN
13 HERE.
14 WE DO ANTICIPATE ONE TO TWO LOANS AT THE
15 NOVEMBER BOARD MEETING, AND POSSIBLY TWO AT
16 DECEMBER.
17 THE ATTACHED REPORT DESCRIBES IN MUCH
18 FURTHER DETAIL THE ENHANCEMENTS TO THE LOAN
19 PROGRAM TO MAKE THEM MUCH MORE EFFECTIVE. AGAIN,
20 IT'S JUST A PRELIMINARY REPORT WITH THE FINAL
21 REPORT DUE OCTOBER 31, '99.
22 STAFF RECOMMENDS THE BOARD APPROVE
23 THE REPORT TITLED "PRELIMINARY REPORT ON THE
24 RECYCLING MARKET DEVELOPMENT REVOLVING LOAN
25 PROGRAM," AND DIRECT US TO FORWARD THAT TO CAL

1 EPA.

2 THAT CONCLUDES MY PRESENTATION.

3 CHAIRMAN PENNINGTON: QUESTIONS?

4 MEMBER JONES: MR. CHAIRMAN.

5 CHAIRMAN PENNINGTON: MR. JONES.

6 MEMBER JONES: BECAUSE IT'S AN INTERIM

7 REPORT -- FIRST OF ALL, I THINK IT'S A GOOD

8 REPORT, I DON'T HAVE ANY PROBLEM, I THINK WE'RE

9 GOING THE RIGHT WAY.

10 BUT, I THINK THAT ONE OF THE THINGS

11 THAT WE'RE GOING TO HAVE TO -- BETWEEN THE TIME

12 THAT THIS GOES OUT, AND WE'LL PROBABLY NEED TO

13 TALK ABOUT IT AT SOME POINT -- WE'VE GOT A SUPER

14 LOAD DEFAULT RATE IN HERE, WHICH I THINK WE NEED

15 TO LOOK AT. BECAUSE WE'RE PROBABLY NOT WILLING

16 TO ASSUME ENOUGH RISK THAT START-UPS NEED.

17 SO, YOU KNOW, I DON'T LIKE THROWING

18 AWAY THE PUBLIC'S MONEY, BUT I THINK WE NEED TO

19 LOOK AT THAT AND SEE WHAT'S AN APPROPRIATE RATIO

20 SOMEWHERE DOWN THE ROAD, AS TO -- I MEAN, THE

21 WHOLE REASON FOR THIS THING IS TO GROW MARKETS.

22 50 IF WE'RE GOING TO GROW MARKETS WE'VE GOT TO

23 TAKE A LITTLE BIT OF RISK I THINK.

24 MS. TRGOVCICH: OUR PORTFOLIO, AND THIS

25 WAS -- WE HAVEN'T RECALCULATED THE FIGURES IN

1 ABOUT 12 MONTHS, AND WE'VE HAD ABOUT FIVE NEW
2 LOANS ADDED IN THERE IN THAT TIME, SIX. BUT
3 APPROXIMATELY 12 MONTHS AGO THE PORTFOLIO
4 REFLECTED A 36 PERCENT START-UP RATE. ACTUALLY,
5 I BELIEVE IT WAS 33 PERCENT OF THE LOANS, 36
6 PERCENT OF THE ACTUAL FUNDING. SO, OVER A THIRD
7 OF THE PORTFOLIO WAS TO START-UP COMPANIES.

8 MEMBER JONES: RIGHT. NO, I UNDERSTAND.
9 I MEAN, YOU'RE HEADING THE START-UPS. WHAT I'M SAYING IS
10 WE DO SUCH A GOOD JOB OF MAKING SURE THAT THESE
11 GUYS ARE GOING TO PAY US BACK THAT WE MAY BE
12 LOSING -- WE MAY NOT BE TAKING ENOUGH RISK --

13 MEMBER EATON: HE WANTS YOU TO LEND SOME
14 MONEY TO SOME PEOPLE THAT ARE GOING TO FAIL SO
15 THAT ANOTHER BOARD MEMBER CAN CRITICIZE YOU
16 FOR....

17 MEMBER JONES: I DON'T WANT THEM TO FAIL,
18 BUT I DON'T -- AND, YOU'RE RIGHT, YOU'RE RIGHT.
19 I DON'T WANT THEM TO FAIL. BUT WHEN GUYS IN MY
20 INDUSTRY, WHEN I ASK THEM IF THEY WANT TO USE
21 THIS MONEY THEY SAY IT'S TOO ONEROUS, I'D JUST AS
22 SOON GO TO MY OWN BANK, I DON'T HAVE TO SIGN OVER
23 MY FIRST KID.

24 AND THAT'S -- YOU KNOW, THE IDEA OF
25 MOVING MARKETS AND TRYING TO CREATE MARKET

1 BUSINESSES TAKES SOMEBODY THAT'S VISIONARY, NOT
2 PYROLYSIS, NOT THE BLACK BOX. BUT I THINK
3 THAT WE HAVE TO -- AND I DON'T KNOW WHAT THE
4 RIGHT LEVEL IS, BUT I THINK WE NEED TO THINK
5 ABOUT IT BECAUSE IT WAS A CRITICISM THAT WE HEARD
6 AT PAUL RELLIS' MARKETS -- WHAT WAS THAT
7 THING THAT YOU GUYS HAD, THE RMDZ WORKSHOP.

8 MS. TRGOVCICH: THE FEBRUARY 5TH
9 WORKSHOP.

10 MEMBER JONES: RIGHT. AND IT WAS AN
11 ISSUE THAT CAME UP QUITE A BIT, THAT EVEN RMDZ
12 LOAN ADMINISTRATORS, OR ZONE ADMINISTRATORS
13 THOUGHT THAT MAYBE THAT WOULD BE AN AREA WE NEED
14 TO LOOK AT. AND I JUST THINK WE DO NEED TO LOOK
15 AT IT.

16 MS. TRGOVCICH: I THINK IT'S SOMETHING
17 THAT WE NEED TO CONTINUOUSLY LOOK AT. AND I
18 WOULD JUST CAUTION THAT WE LOOK AT THE WHOLE
19 PICTURE TOGETHER, BECAUSE WE ARE INTERESTED NOT
20 JUST IN MAKING THE LOANS AND GETTING THE MONEY
21 OUT.

22 BUT OF PRIMARY IMPORTANCE TO US IS TO
23 ENSURE THAT THAT MARKET CAPACITY IS SUSTAINABLE,
24 THAT THAT BUSINESS ISN'T GOING TO BE HERE FOR THE
25 NEXT SIX MONTHS, ONE YEAR, TWO YEARS, THREE

1 YEARS, BUT THERE IS A STRONG LIKELIHOOD THAT THAT
2 BUSINESS WILL REMAIN, AND WE'LL SEE NOT ONLY A
3 SUSTAINING LEVEL WITH RESPECT TO THE MARKETPLACE,
4 BUT IT WILL IN FACT GROW. WE NEED TO
5 CONTINUOUSLY LOOK AT WHAT OUR RISK IS IN THE
6 PORTFOLIO, AND WE ATTEMPT TO CONTINUOUSLY
7 EVALUATE THAT.
8 AND WE NEED TO LOOK AT WHY ARE THOSE
9 BUSINESSES UNWILLING TO COME IN. DID THE CHANGE
10 FROM THE PERCENTAGE OWNERSHIP OF A COMPANY FROM
11 10 PERCENT TO 20 PERCENT -- DID THAT TAKE AWAY
12 POTENTIALLY THOSE BUSINESSES' CONCERNS AROUND
13 COMING IN FOR A LOAN? AND HAVE WE POSSIBLY NOT
14 DONE A GOOD JOB ON LETTING THEM KNOW OF THOSE
15 CHANGES? DOES THE CHANGE IN LOAN CLOSING
16 DOCUMENTATION, WHICH REMOVES A LOT OF THE
17 BARRIERS, PERHAPS GET OVER THAT PROBLEM THAT THEY
18 HAD AS WELL? DOES THE LOWERING OF THE LOAN FEE,
19 WHICH COULD SAVE THOSE BUSINESSES THOUSANDS OF
20 DOLLARS -- PERHAPS WILL THAT GET THEM IN THE
21 DOOR?
22 AND, SO I THINK WE ALSO NEED TO FIND
23 OUT WHAT IS IT ABOUT THEM HAVING TO PUT UP THEIR
24 FIRST BABY-- BECAUSE, LORD KNOWS, I DON'T HAVE A
25 NURSERY AT HOME, SO WE'RE NOT TAKING THAT -- SO,

1 WHAT IS IT ABOUT THE PROGRAM THAT EITHER, ONE,
2 WE'RE NOT COMMUNICATING WELL ENOUGH OR, TWO, WE
3 NEED TO CHANGE. AND IT MAY NOT BE THE LEVEL OF
4 RISK WITH RESPECT TO COLLATERAL OR SOME OTHER
5 THINGS THAT WE LOOK AT.

6 CHAIRMAN PENNINGTON: I THINK YOU'RE
7 RIGHT. I AGREE WITH MR. JONES, AND YOU AND I
8 HAVE DISCUSSED THIS REPEATEDLY. BUT I THINK
9 YOU'RE RIGHT, THAT IT'S NOT ONLY THE RISK FACTOR,
10 BUT IT'S ALL THE OTHER FACTORS THAT GO INTO IT
11 THAT MAKES IT THAT WAY.
12 BUT, AGAIN, AS YOU AND I HAVE
13 DISCUSSED MANY TIMES, IT SEEMS LIKE WE SHOULD BE
14 IN THAT RISK AREA MORE. OR, AT LEAST IN THAT
15 START-UP OR THAT -- BUT, AGAIN, WE DON'T WANT TO
16 FLOOD THE MARKET AND WE DON'T WANT TO JUST JUMP
17 ON EVERY BLACK BOX.

18 MS. TRGOVCICH: ONE OF THE THINGS THAT WE
19 ARE GOING TO BE DISCUSSING FURTHER IS -- IN A
20 MEETING WITH ONE OF OUR CONTRACTORS MANY MONTHS
21 AGO, A SUGGESTION WAS MADE FOR FOLLOW-UP. AND
22 I'M GOING TO BE TALKING WITH THE BRANCH MANAGER
23 ABOUT THAT. AND BOTH JIM AND JOHN KNOW MY
24 THOUGHTS IN THIS REGARD.
25 AND THAT IS, IS THAT WE UNDERTAKE AN

1 EVALUATION OF THE POTENTIAL BORROWERS THAT WE
2 SOLICITED THAT DIDN'T COME IN WITH APPLICATIONS,
3 AND WE GO DIRECTLY TO THEM. NOT JUST THE FOLKS
4 THAT WON'T EVEN COME IN THE DOOR, BUT THE FOLKS
5 THAT CAME IN, THE FOLKS THAT WE SAT DOWN WITH AND
6 SAID, NO, I DON'T THINK I WANT TO DO BUSINESS
7 WITH YOU, AND FIND OUT WHY. AND THAT'S SOMETHING
8 THAT WE WILL BE UNDERTAKING WITHIN THE NEXT
9 SEVERAL MONTHS.

10 CHAIRMAN PENNINGTON: VERY GOOD. MR.
11 FRAZEE.

12 MEMBER FRAZEE: YES. ON MR. JONES' POINT
13 OF NOT HAVING ENOUGH BAD LOANS, THAT'S SOMETHING
14 THAT I WENT THROUGH IN MY TIME IN THE LENDING
15 BUSINESS, WHERE ONE REGULATOR WOULD COME IN AND
16 CITE YOU BECAUSE YOUR LOSS RATIO WAS SO LOW THAT
17 YOU WEREN'T SERVING THE COMMUNITY WELL. AND THEN
18 SIX MONTHS LATER ANOTHER REGULATOR'D COME ALONG
19 AND CITE YOU FOR HAVING TOO MANY LOANS IN THE 90-
20 DAY BRACKET. SO IT'S A DELICATE BALANCE.
21 BUT IN THIS CASE, WHERE THERE IS A
22 LIMITED NUMBER OF LOANS TO THE SIZE OF THE LOAN,
23 IT ONLY TAKES ONE BAD ONE TO REALLY HURT. WHERE
24 IN A LARGER OPERATION WHERE YOU HAVE LITERALLY
25 HUNDREDS OF THOUSANDS OF LOANS OUT, YOU CAN

1 AFFORD TO LOSE ONE NOW AND THEN. BUT ONE GOING

2 BAD HERE REALLY TAKES A BITE OUT OF US.

3 CHAIRMAN PENNINGTON: A MILLION-DOLLAR
4 LOSS IS A PRETTY HEAVY-DUTY LOSS.

5 MS. TRGOVCICH: I THINK THAT FOR THE
6 PROGRAM, AS MANY OF YOU ARE AWARE, WE'VE
7 UNDERTAKEN SEVERAL COLLECTIONS THIS YEAR. WE'RE
8 IN OUR THIRD COLLECTION CYCLE. THEY ARE VERY
9 COSTLY AND TIME-CONSUMING.

10 AND JIM JUST POINTED OUT, WE HAVE
11 OVER \$2.5 MILLION WORTH OF LOANS ON OUR WATCH
12 LIST RIGHT NOW, AND THAT MEANS A CLOSE WATCH.
13 AND THERE'S A NUMBER OF OTHERS OUT THERE RIGHT
14 NOW THAT WE'RE KEEPING AN EYE ON. AND FOR THOSE
15 ON THE WATCH LIST, THAT MEANS THEY'RE UNDER WORK-
16 OUT AGREEMENTS OR SOME OTHER MODIFICATIONS RIGHT
17 NOW, BECAUSE BUSINESS CONDITIONS ARE NOT
18 SUPPORTING THEM IN THEIR ATTEMPTS TO REPAY ON
19 THEIR LOAN.

20 CHAIRMAN PENNINGTON: VERY GOOD.

21 MEMBER RHOADS: I HAVE A COUPLE --

22 CHAIRMAN PENNINGTON: MR. RHOADS.

23 MEMBER RHOADS: YEAH, IN SERIOUSNESS, I
24 UNDERSTAND THE COMMENT THAT MR. JONES MADE.
25 I AM VERY GLAD THAT YOU PLAN TO GO

1 OUT AND TALK TO THE STAKEHOLDERS. WHEN JIM AND I
2 TALKED I GAVE HIM A FEW NAMES OF PEOPLE THAT HE
3 MIGHT WANT TO CONTACT ON EFFORTS THAT OTHER STATE
4 AGENCIES HAVE DONE IN TRYING TO STREAMLINE THE
5 PROCESS, BECAUSE IT'S VERY, VERY IMPORTANT THAT
6 WE LOOK HARD. I THINK YOU'VE MADE SOME GOOD
7 CHANGES HERE, AND I APPLAUD YOU FOR DOING THAT.
8 SO, YOU KNOW, I AM WORRIED ABOUT THE
9 BALANCE THAT YOU HAVE IN THE FUND, AND SO I'M
10 ANXIOUS TO KNOW WHY PEOPLE AREN'T USING IT AS
11 MUCH AS THEY SHOULD BE.

12 CHAIRMAN PENNINGTON: OKAY. WHAT'S YOUR
13 PLEASURE WITH THIS --

14 MEMBER FRAZEE: MR. CHAIRMAN, I WOULD
15 MOVE ADOPTION OF RESOLUTION 98-328.

16 CHAIRMAN PENNINGTON: OKAY.
17 MR. JONES: I'LL SECOND IT.

18 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN
19 MOVED BY MR. FRAZEE AND SECONDED BY MR. JONES TO
20 ADOPT RESOLUTION 98-3 28.

21 IF THERE'S NO FURTHER DISCUSSION,
22 WILL THE SECRETARY CALL THE ROLL?

23 THE SECRETARY: BOARDMEMBER EATON?

24 MEMBER EATON: AYE.

25 THE SECRETARY: FRAZEE?

1 MEMBER FRAZEE: AYE.

2 THE SECRETARY: JONES?

3 MEMBER JONES: AYE.

4 THE SECRETARY: RHOADS?

5 MEMBER RHOADS: AYE.

6 THE SECRETARY: CHAIRMAN PENNINGTON?

7 CHAIRMAN PENNINGTON: AYE.

8 THE MOTION CARRIES.

9 MEMBER RHOADS: CAN I ASK ONE OTHER
10 QUESTION?

11 CHAIRMAN PENNINGTON: YES, MR. RHOADS.

12 MEMBER RHOADS: I'M SORRY TO DO THIS
13 RIGHT NOW.

14 BUT, I NOTICED IN THIS REPORT TO THE
15 LEGISLATURE IT DOESN'T LIST THE LOANS THAT WE
16 HAVE OR HAD OUT. IS THERE A VALUE TO HAVE A LIST
17 OF LOANS SO THE LEGISLATURE CAN SEE WHO WE'RE
18 FUNDING AND NOT FUNDING?

19 MS. TRGOVCICH: IT'S A PUBLIC LIST, AND
20 WE COULD CERTAINLY PROVIDE IT. WE COULD PROVIDE
21 IT WITH RESPECT TO THE MATERIAL MARKETPLACE THAT
22 THE LOAN WAS MADE IN, WITH RESPECT TO THE ZONE
23 THAT IT WAS LOCATED IN, AND THE DOLLAR AMOUNT OF
24 THE LOAN. WE WOULD NOT PROVIDE STATUS
25 INFORMATION, THAT WOULD BE INFORMATION BETWEEN

. 1 US, THE BORROWER AND THE LENDER. BUT WE COULD
2 CERTAINLY PROVIDE THE LISTING.

3 MEMBER RHOADS: WELL, I WAS JUST
4 WONDERING, IF WE'RE DOING A REPORT TO THE
5 LEGISLATURE WHETHER THERE'S ANY VALUE IN LISTING
6 OUT THE LOANS THAT WE HAVE.
7 I MEAN, WE DON'T HAVE TO DECIDE THAT
8 NOW, MAYBE WE'D THINK ABOUT IT LATER, BUT THAT'S
9 --

10 CHAIRMAN PENNINGTON: I THINK THAT'S A
11 GOOD IDEA, AS LONG AS IT DOESN'T HIGHLIGHT THE
12 AMOUNT OF MONEY WE STILL HAVE TO LOAN.

13 MR. RHOADS: OH, WE SURELY WOULDN'T --

14 MS. TRGOVCICH: IT WOULD BE A CONTINUOUS
15 LIST, AND THERE'S ABOUT 65 LOANS ON THE LIST, SO.

16 MR. LATANNER: SIXTY-SIX.

17 MS. TRGOVCICH: SIXTY-SIX.

18 MR. LATANNER: TWENTY-EIGHT-POINT-SEVEN
19 MILLION.

20 CHAIRMAN PENNINGTON: VERY GOOD. OKAY.

21 WELL, THAT'S --

22 MR. JONES: DOES THAT INCLUDE THE LOANS
23 YOU SOLD?

24 MR. LATANNER: YES, IT DOES.

25 CHAIRMAN PENNINGTON: OKAY.

1 MR. LATANNER: YEAH, THE CURRENT
2 OUTSTANDING BALANCE BEING SERVICED RIGHT NOW IS
3 43 LOANS TOTALING 20-MILLION-POINT-SIX.

4 CHAIRMAN PENNINGTON: OKAY. THAT BRINGS
5 US TO THE PUBLIC COMMENT PERIOD. AND IF THERE'S
6 NO PUBLIC COMMENT, WHICH THERE DOESN'T APPEAR TO
7 BE, WE WILL RECESS UNTIL TOMORROW MORNING AT NINE
8 O'CLOCK, WHEN WE WILL GO INTO A CLOSED SESSION TO
9 DISCUSS LITIGATION. AND AT APPROXIMATELY 9:30,
10 OR WHEN THAT MEETING IS OVER WITH, WE WILL THEN
11 GO INTO OUR WORKSHOP -- TO CONDUCT A WORKSHOP TO
12 TAKE PUBLIC COMMENTS ON THE TIME EXTENSIONS AND
13 ALTERNATIVE TO DIVERSION REQUIREMENTS OF AB-1066.
14 AND IF THERE'S NOTHING ELSE, WE ARE
15 ADJOURNED.

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Please note: These transcripts are not individually approved and reviewed for accuracy.

STATE OF CALIFORNIA

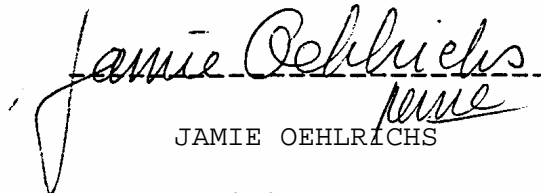
COUNTY OF MARIN

I, JAMIE OEHLRICH, authorized to administer oaths pursuant to Section 8211 of the California Code of Civil Procedure, do hereby certify;

That the proceeding was reported by me and was thereafter transcribed by computer under my direction into typewriting.

I further certify that I am not of counsel or attorney for either or any of the parties in the foregoing proceeding and caption named, nor in any way interested in the outcome of the cause named in said caption.

Executed November 23, 1998, at San Rafael,
California.

A handwritten signature in cursive script, reading "Jamie Oehlrichs", is written over a horizontal line. The signature is fluid and stylized, with a large initial "J".

JAMIE OEHLRICH

Official Reporter

CSR. 8086